

# 2007

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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September 21, 2007  
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## INTRODUCTION

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

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

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

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

### 2007 REGISTER SCHEDULE VOLUME #31

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 751
- 3) Section Number: 751.100      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment changes the rate charged for hard copy responses to requests made under the Freedom of Information Act and this Part. The rate will change from 10 cents to 25 cents a page.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: A comparison study was done of rates charged by various Illinois State agencies for the same services.
- 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

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

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

217/785-1793

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 751  
ACCESS TO INFORMATION

## SUBPART A: INTRODUCTION

Section	
751.10	Policy
751.20	Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

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751.30	Person to Whom Requests are Submitted
751.40	Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE  
TO REQUESTS FOR PUBLIC RECORDS

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751.50	Time Limit for Department Response
751.60	Types of Department Responses

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section	
751.70	Appeal of Denial
751.80	Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS  
TO REQUESTORS

Section	
751.90	Inspection of Records at Department Offices
751.100	Copies of Public Records
751.110	General Materials Available from the Freedom of Information Officer

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted and codified at 8 Ill. Reg. 12097, effective July 1, 1984; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: PROCEDURES FOR PROVIDING  
PUBLIC RECORDS TO REQUESTORS

**Section 751.100 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due. ~~Requestor may be required to provide sufficient coins to operate coin-operated machines. Requestor must make payment in exact amount required. No change or refund can be made.~~

b) Fees

- 1) Charge for copies of public records shall be assessed in accordance with the following fee schedule for duplication of public records:

<u>Type of Duplication</u>	<u>Per Copy Charge</u>
<u>Paper copy standard size 8½" x 11" and legal size 8½" x 14"</u>	<u>\$.25 per copy (reduced to \$.15 per copy if the request is in the public interest in accordance with Section 751.100(c)(2))</u>

- 2) The Department also possesses records in other forms, including microfiche. A duplication charge for those records will be assessed based upon the actual cost of reproduction.
- 3) Some records possessed by the Department are in book or pamphlet form. A charge may be assessed for those materials based upon the cost incurred by the Department for those materials.

c) Waived or Reduced Charges

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Charges shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly, or if the response is fewer than 10 pages in its original format. ~~Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.~~
- 2) Charges shall be reduced if:
  - A) the requestor states the specific purpose for the request; and
  - B) the requestor indicates that a reduction of the fees is in the public interest. A reduction of fees is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.
- e) ~~Only one copy of any public record shall be provided.~~
- d) ~~Charge to copy hardcopy (paper and where facilities are available microfiche and microfilm) of any page size is \$.10 (ten cents) per page.~~

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Reports of Accidents or Incidents by Persons Engaging in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 595
- 3) Section Number: 595.110                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will increase the dollar limit for accident reporting and also include liquefied natural gas facilities in the scope of the reporting requirements. Both changes are in response to changes in the federal pipeline safety rules.
- 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 proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 07-0459, with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This proposed amendment will affect any small municipalities or not for profit corporations that are jurisdictional entities.
  - B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements
  - C) Types of professional skills necessary for compliance: Managerial skills
- 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 Commission did not anticipate the need for this proposed amendment at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 595

REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED IN THE  
TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE GAS PIPELINE FACILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

595.10 Exemption from 83 Ill. Adm. Code 220

## SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

## Section

595.110 Definitions  
595.120 Reporting of Accidents or Incidents  
595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6].

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616; amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at 13 Ill. Reg. 2036, effective February 1, 1989; amended at 22 Ill. Reg. 20083, effective November 7, 1998; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

**Section 595.110 Definitions**

"Accident or incident", for the purposes of this Part, shall mean any or all of the following, the cause of which is gas escaping from pipeline facilities or liquefied natural gas facilities:

personal injury requiring hospitalization;

fatality; and

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

property damage exceeding \$~~50,000~~25,000.

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas which is toxic or corrosive.

"Liquefied natural gas facility" means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

"Person" shall mean any individual, firm, joint venture, partnership, corporation, association, municipalities, cooperative association, and includes any trustee, receiver, assignee or personal representative thereof.

"Pipeline facilities" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of such transportation.

"Transportation of gas" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this state and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Safety Act.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. 50
- 3) Section Number: 50.230      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and P.A. 95-0206
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking affects Human Capital Development. Pursuant to provisions of P.A. 95-0206, this rulemaking increases the income eligibility threshold for child care benefits to no less than 185% of the most current federal poverty level for each family size. As a result, families who receive wage increases due to the increase in the minimum wage are more likely to remain eligible for child care assistance.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.230	Amendment	31 Ill. Reg. 11018; 8/3/2007
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Child care providers
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2007

The text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 13350 of this issue of the *Illinois Register*.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Fire Equipment Distributor and Employee Standards
- 2) Code Citation: 41 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.10	Repeal
250.20	Repeal
250.25	Repeal
250.30	Repeal
250.82	Repeal
250.83	Repeal
250.85	Repeal
250.93	Repeal
250.97	Repeal
250.201	Repeal
250.210	Repeal
250.213	Repeal
250.215	Repeal
250.220	Repeal
250.230	Repeal
250.232	Repeal
250.233	Repeal
250.250	Repeal
250.260	Repeal
250.270	Repeal
250.301	Repeal
250.310	Repeal
250.315	Repeal
250.320	Repeal
250.340	Repeal
250.341	Repeal
250.343	Repeal
250.358	Repeal
250.360	Repeal
250.370	Repeal
- 4) Statutory Authority: Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216/30]

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

- 5) A Complete Description of the Subjects and Issues Involved: This proposed repealer repeals an existing rule to allow for adoption of proposed rules in a recodified format (new proposed Part 251) to allow for easier access and reference of the users.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rule making replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The repeal of this Part will have no impact on local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed repealer may submit comments no later than 45 days after the publication of this Notice to:

Misty Matykiewicz, Division Manager  
Division of Fire Prevention  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

Telephone: 217/558-0639  
Facsimile: 217/558-4992  
Email: misty.matykiewicz@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: This Part is applicable to all businesses that service, recharge, hydro-test, install, repair, replace, maintain or inspect fire extinguishers and fire suppression devices or systems.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

- B) Reporting, bookkeeping or other procedures required for compliance: Maintain a license issued by the agency.
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This proposed repealer was not included on either of the 2 most recent regulatory agendas because: the need for a recodified rule was not anticipated at the time that the agendas were published.

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 250

FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS (REPEALED) |

## SUBPART A: PORTABLE FIRE EXTINGUISHERS

## Section

250.10	Scope
250.20	Definitions
250.25	Trainee
250.30	Classification, Ratings, and Performance of Portable Fire Extinguishers
250.40	Classification of Hazards (Repealed)
250.50	General Requirements (Repealed)
250.60	Selection of Portable Fire Extinguishers (Repealed)
250.80	Inspection, Maintenance, and Recharging (Repealed)
250.82	Tagging
250.83	Certification Tags
250.85	Tamper Seals
250.93	Labeling
250.97	Sub-Contracting

## SUBPART B: PRE-ENGINEERED FIRE SUPPRESSION SYSTEMS

## Section

250.201	Scope
250.210	Definitions
250.213	Trainee
250.215	Maintenance, Recharging, Hydro-Testing, Servicing, and Inspection of Pre-Engineered Fire Suppression Systems
250.220	Compliance Standards
250.230	Tagging
250.232	Certification Tag
250.233	Tamper Seals
250.250	Labeling
250.260	Pre-Piped Systems
250.270	Sub-Contracting

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

## SUBPART C: ENGINEERED FIRE SUPPRESSION SYSTEMS

Section	
250.301	Scope
250.310	Definitions
250.315	Trainee
250.320	Compliance Standards
250.340	Tagging
250.341	Certification Tag
250.343	Tamper Seals
250.358	Labeling
250.360	Subcontracting
250.370	NICET Certification

**AUTHORITY:** Implementing and authorized by Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216/30]

**SOURCE:** Adopted at 15 Ill. Reg. 5656, effective April 4, 1991; amended at 26 Ill. Reg. 10818, effective July 1, 2002; repealed at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: PORTABLE FIRE EXTINGUISHERS

**Section 250.10 Scope**

Subpart A provides minimum requirements for Class A distributor and Class 1 employee licenses for servicing, recharging, hydro-static testing, installing, maintaining or inspecting of all types of fire extinguishers.

**Section 250.20 Definitions**

"Act". The Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

"Approved". Meeting the requirements of the State Fire Marshal's Office contained in this Part.

"Distributor". Any person, company or corporation that services, recharges, hydrotests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

"Distributor License". An annual license issued to a distributor upon submittal of requisite forms designated by the Office and payment of fees outlined in the Act.

"Employee". A licensee or a person who is currently employed by a distributor licensed under the Act, whose full or part-time duties include servicing, recharging, hydrotesting, installing, maintaining, or inspecting all types of fire extinguishing devices or systems other than water sprinkler systems.

"Employee License". A license issued to an employee after submitting an application to the Office, paying the fees outlined in the Act, and successfully passing the requisite examinations. This license is to be renewed annually upon payment of requisite fees.

"Inspection". A determination that a fire extinguisher is available in its designated place and has not been actuated or tampered with.

"NFPA". The National Fire Protection Association, Batterymarch Park, Quincy MA 02269. The number following NFPA is the standard number and is followed by the year designating the year of publication (or edition). Where the Office has adopted a standard, no later editions or amendments are included.

"Office". Office of the Illinois State Fire Marshal.

"Trainee". An individual who has applied for a certain class of license and who is training under the direct supervision of an employee who is licensed in the same class for which the trainee has applied.

"UL". Underwriters Laboratory.

**Section 250.25 Trainee**

A licensed Class 1 employee shall supervise all work performed by the trainee. The distributor and employee's license number shall appear on all tags and labels where it is required.

- a) The distributor shall, within thirty (30) days of employment, submit an application to the Office for an employee license in the respective class that the trainee will be training.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

- b) If an individual neglects, fails or refuses to take the requisite examination within one year after filing the application, the fee paid by the individual shall be forfeited. However, such individual may thereafter make a new application for examination, accompanied by the required fee.
- c) Termination of any trainee will require the distributor to notify the Office in writing within seven (7) days of the termination.

**Section 250.30 Classification, Ratings, and Performance of Portable Fire Extinguishers**

- a) NFPA 10 Standard for Portable Fire Extinguishers (1998) is hereby incorporated by reference.
- b) Automatic Fire Extinguisher Unit. A Class A distributor/Class 1 licensed employee may service, recharge, and hydro-test an automatic fire extinguisher unit having self-contained automatic detection and actuation, providing the unit's limited discharge piping network cannot be modified in the field.
- c) Stationary Fire Extinguishers/Quick Opening Valves. Wheeled, stationary and skid mounted fire extinguisher units with or without quick opening valves, and provided they are manually operated, shall be classified as fire extinguishers and shall require a Class A distributor/Class 1 licensed employee to service, hydro-test, recharge, maintain, install or inspect.
- d) Recharging/Hydro-Testing. A Class A licensed distributor/Class 1 licensed employee may recharge and hydro-test carbon dioxide (CO<sub>2</sub>), dry chemical, and Halon 1211 and 1301 cylinders that are part of a fire suppression system. The fire suppression system, however, shall be serviced by a Class B or Class C licensed distributor, whichever is applicable.
- e) All fire extinguishers shall have a pictorial classification decal affixed to the front of the extinguisher, if such pictorial markings are not already provided on the manufacturer's label. Markings shall be applied by decals that are durable and color fade resistant on a single label. Such markings shall comply with NFPA 10 Appendix B.

**Section 250.40 Classification of Hazards (Repealed)****Section 250.50 General Requirements (Repealed)**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED REPEALER

**Section 250.60 Selection of Portable Fire Extinguishers (Repealed)****Section 250.80 Inspection, Maintenance, and Recharging (Repealed)****Section 250.82 Tagging**

- a) A certification tag shall be attached to the front of the portable fire extinguisher each time a maintenance or recharge is performed.
- b) All tags that are exposed to the outdoor elements shall be enclosed in a plastic tag protector, unless the tag is made of a weather resistant material.

**Section 250.83 Certification Tags**

- a) Each fire extinguisher shall have a certification tag securely attached that indicates the month and year the maintenance was performed.
- b) A certification tag, when attached to a fire extinguisher, indicates that the fire extinguisher has been thoroughly checked and found to meet all requirements of this Part.
- c) Certification tags shall meet the following specifications:
  - 1) Minimum Size: 2" x 5¼"
  - 2) The year shall be printed in a minimum of ½" in height.
- d) Certification service tags shall bear the following information on the front of the tag:
  - 1) "Do Not Remove by Order of the State Fire Marshal"
  - 2) Signature of person who performed the maintenance of the extinguisher.
  - 3) State license number of person who performed the maintenance of the extinguisher.
  - 4) Name of distributor, state license number, street address, city, state and

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phone number.

- 5) Type of maintenance performed (Shall be punched).
  - 6) Type of extinguisher/item serviced (Shall be punched).
  - 7) Month serviced (Shall be punched).
  - 8) Department of Transportation approval number (if applicable).
- e) The certification tag shall have only one year printed on it.

**Section 250.85 Tamper Seals**

At the time of the maintenance, the tamper seal shall be removed by operating the pull pin or locked device. After the applicable maintenance procedures are completed, a new tamper seal shall be installed.

**Section 250.93 Labeling**

- a) Service and maintenance labels shall be visible without having to remove the fire extinguisher from its designated location. However, tags or labels indicating service or maintenance shall be prohibited from covering tags or labels indicating the fire extinguisher's use or classification.
- b) All labels shall contain the following minimum information:
  - 1) Name and license number of distributor.
  - 2) Name and license number of employee performing the service.
  - 3) Type of service performed (shall be punched, if applicable).
  - 4) The date the service was performed.

**Section 250.97 Sub-Contracting**

When hydro-testing is subcontracted, the subcontractor shall meet the requirements of this Act and this Part and state so on an affidavit, to be maintained in the distributor's office files.

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## SUBPART B: PRE-ENGINEERED FIRE SUPPRESSION SYSTEMS

**Section 250.201 Scope**

Subpart B provides the minimum requirements for a Class B distributor and a Class 2 employee license for the required maintenance, recharging, hydro-testing, servicing, revising, installation and inspection of all types of pre-engineered fire suppression systems.

**Section 250.210 Definitions**

"Approved". The term, approved, means meeting the requirements of the Illinois State Fire Marshal's office contained in this Part.

"Distributor". Any person, company or corporation which services, recharges, hydrotests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems.

"Distributor License". An annual license issued to a distributor upon submittal of requisite forms designated by the Office, and payment of the fees outlined in the Act.

"Employee". A licensee or a person who is currently employed by a distributor licensed under this Act, whose full or part-time duties include servicing, recharging, hydrotesting, installing, maintaining, or inspecting all types of fire extinguishing devices or systems other than water sprinkler systems.

"Employee License". A license issued to an employee after submitting an application to the Office, paying the fees outlined in the Act, and successfully passing the requisite examinations. This license shall be renewed annually upon payment of the requisite fees.

"Pre-Engineered Systems". Pre-engineered systems are those having predetermined flow rates, nozzle pressures, and quantities of extinguishing agents. These systems may have specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a testing lab. The hazards protected by these systems are specifically limited as to type, size, by a testing lab based upon actual fire tests. Limitations on hazards which can be protected by those systems are contained in

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the manufacturer's installation manual, which is referenced as part of the listing.

"Trainee". An individual who has applied for a certain class of license and who is training under the direct supervision of an employee who is licensed in the same class for which the trainee has applied.

**Section 250.213 Trainee**

A licensed Class 2 employee shall supervise all work performed by the trainee. The distributor and employee's license number shall appear on all tags and labels where it is required.

- a) The distributor shall, within thirty (30) days of employment, submit an application to the Office for an employee license in the respective class that the trainee will be training.
- b) If an individual neglects, fails or refuses to take the requisite examination within one year after filing the application, the fee paid by the individual shall be forfeited. However, such individual may thereafter make a new application for examination, accompanied by the required fee.
- c) Termination of any trainee will require the Distributor to notify the Office in writing within seven (7) days of the termination.

**Section 250.215 Maintenance, Recharging, Hydro-Testing, Servicing, and Inspection of Pre-Engineered Fire Suppression Systems.**

- a) A Class B licensed distributor/Class 2 licensed employee can only maintain, recharge, hydro-test, service and inspect pre-engineered systems.
- b) Class A distributors and Class 1 licensed employees may perform recharging and hydro-testing functions enumerated in 250.30 (e) on pre-engineered systems.

**Section 250.220 Compliance Standards**

The following standards of the National Fire Protection Association (NFPA), with no later editions or amendments, are hereby adopted and incorporated by reference:

- a) NFPA 96 (1998) Ventilation Control and Fire Protection of Commercial Cooking Operations.

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- b) NFPA 17 (1998) Dry Chemical Extinguishing Systems.
- c) NFPA 17A (1998) Wet Chemical Extinguishing Systems.
- d) NFPA 12 (2000) Carbon Dioxide Extinguishing Systems.
- e) NFPA 12A (1997) Halon 1301 Fire Extinguishing Systems.

**Section 250.230 Tagging**

- a) A certification tag (see Section 250.232) shall be affixed to the system each time maintenance is performed, when a system is initially installed or when it is revised.
- b) All tags that are exposed to the outdoor elements shall be enclosed in a plastic tag protector, unless the tag is made of a weather resistant material.
- c) On Pre-engineered suppression systems, the certification tag shall be attached and visible at the suppression unit.

**Section 250.232 Certification Tag**

- a) Certification tags shall bear the following information on the front of the tag:
  - 1) "Do Not Remove by Order of the State Fire Marshal".
  - 2) Signature of person who performed the maintenance.
  - 3) State license number of person who performed the maintenance.
  - 4) Name of distributor, state license number, street address, city, state and phone number.
  - 5) Type of maintenance performed (Shall be punched).
  - 6) Type of system involved (Shall be punched).
  - 7) Month serviced (Shall be punched).

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- 8) Type of class, engineered or pre-Engineered (Shall be punched).
- 9) Department of Transportation approval number (if applicable).
- b) The certification tag shall have only one year printed on it.
- c) The certification tag shall meet the following specifications:
  - 1) Minimum Size: 2? " x 5¼"
  - 2) The year shall be printed in a minimum ½" in height.

**Section 250.233 Tamper Seals**

All fire suppression systems shall have existing tamper seals removed during maintenance and new tamper seals installed.

**Section 250.250 Labeling**

- a) All labels shall be placed on the front of the cylinder in an unobstructed view for inspection.
- b) All labels shall contain the following minimum information:
  - 1) Name and license number of distributor.
  - 2) Name and license number of employee performing the service.
  - 3) Type of service performed (shall be punched, if applicable).
  - 4) The date the service was performed.

**Section 250.260 Pre-Piped Systems**

Pre-engineered fire suppression systems which are pre-piped in a hood and duct or other modular assembly and shipped to a location in Illinois shall be completed and certified by a Class 2 licensed employee.

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**Section 250.270 Sub-Contracting**

- a) When a distributor subcontracts final checkout service or maintenance of a pre-engineered fire suppression system, they shall use a Class B licensed distributor. The subcontracted licensed distributor who actually performs the work shall secure the certification tag to the system indicating the type of work performed.
- b) When hydro-testing, cylinder drying, and refilling is subcontracted the subcontractor shall meet the requirements of this Act and this Part and state so on an affidavit, which is to be maintained in the distributor's office files.

## SUBPART C: ENGINEERED FIRE SUPPRESSION SYSTEMS

**Section 250.301 Scope**

Subpart C provides minimum requirements for Class C distributor and Class 3 employee license for servicing, repairing, hydro-testing, maintaining, inspecting or engineering all types of engineered fire suppression systems.

**Section 250.310 Definitions**

"Approved". Meeting the requirements of the Illinois State Fire Marshal's office contained in this Part.

"Distributor". Any person, company or corporation which services, recharges, hydrotests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems.

"Distributor License". An annual license issued to a distributor upon submittal of requisite forms designated by the Office, and payment of the fees outlined in the Act.

"Employee". A licensee or a person who is currently employed by a distributor licensed under this Act, whose full or part-time duties include servicing, recharging, hydrotesting, installing, maintaining, or inspecting all types of fire extinguishing devices or systems other than water sprinkler systems.

"Employee License". A license issued to an employee after submitting an application to the Office, paying the fees outlined in the Act, and successfully

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passing the requisite examinations. This license shall be renewed annually upon payment of requisite fees.

"Engineered Fire Suppression Systems". The term, engineered fire suppression systems, shall mean detection and special agent fire suppression systems requiring individual calculation and design, the components of which have been tested and listed or approved by a nationally recognized testing laboratory. Engineered fire suppression systems shall not include automatic water only sprinkler systems.

"Engineering". The term, engineering, means working within the manufacturer's parameters of the fire suppression systems and components to design a system to protect a specific hazard. The design shall meet the applicable fire protection codes and standards.

"Trainee". An individual who has applied for a certain class of license, and who is training under the direct supervision of an employee who is licensed in the same class for which the trainee has applied.

**Section 250.315 Trainee**

A licensed Class 3 employee shall supervise all work performed by the trainee. The distributor and employee's license number shall appear on all tags and labels where it is required.

- a) The distributor shall, within thirty (30) days of employment, submit an application to the Office for an employee license in the respective class that the trainee will be training.
- b) If an individual neglects, fails or refuses to take the requisite examination within one year after filing the application, the fee paid by the individual shall be forfeited. However, such individual may thereafter make a new application for examination, accompanied by the required fee.
- c) Termination of any trainee will require the Distributor to notify the Office in writing within seven (7) days of the termination.

**Section 250.320 Compliance Standards**

The following standards of the National Fire Protection Association (NFPA), with no later editions or amendments, are hereby adopted and incorporated by reference:

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- a) Low Expansion Foam designated as NFPA 11 (1998).
- b) Medium- and High-Expansion Foam Systems designated as NFPA 11A (1999).
- c) Carbon Dioxide Extinguishing Systems designated as NFPA 12 (2000).
- d) Halon 1301 Fire Extinguishing Agent Systems designated as NFPA 12A (1997).
- e) Dry Chemical Extinguishing Systems designated as NFPA 17 (1998).
- f) Ventilation Control and Fire Protection of Commercial Cooking Operations designated as NFPA 96 (1998).
- g) National Fire Alarm Code designated as NFPA 72 (1999).
- h) Clean Agent Extinguishing Systems designated as NFPA 2001 (2000).
- i) Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems designated as NFPA 25 (1998).

**Section 250.340 Tagging**

- a) A certification tag shall be affixed to the system each time maintenance is performed, when a system is initially installed or when it is revised.
- b) Tags exposed to outdoor elements shall be enclosed in a plastic tag protector, unless the tag is made of a weather resistant material.
- c) On engineered fire suppression systems, the certification tag shall be attached and visible at the suppression unit.

**Section 250.341 Certification Tag**

- a) Certification tags shall bear the following information on the front of the tag:
  - 1) "Do Not Remove by Order of the State Fire Marshal".
  - 2) Signature of person who performed the maintenance.

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- 3) State license number of person who performed the maintenance.
  - 4) Name of distributor, state license number, street address, city, state, and phone number.
  - 5) Type of maintenance performed. (Shall be punched)
  - 6) Type of system. (Shall be punched)
  - 7) Month serviced. (Shall be punched)
  - 8) Type of Class (Engineered or Pre-Engineered). (Shall be punched)
  - 9) Department of Transportation approval number, if applicable.
- b) The certification tag shall have only one year printed on it.
  - c) The certification tag shall meet the following specifications:

Minimum Size: minimum size of (2? " x 5¼")

**Section 250.343 Tamper Seals**

Tamper Seals shall be used to seal or reseal a fire suppression system. All fire suppression systems shall have existing tamper seals removed during any maintenance and new tamper seal installed.

**Section 250.358 Labeling**

- a) All labels shall be placed on the front of the cylinder in an unobstructed view for inspection.
- b) All labels shall contain the following minimum information:
  - 1) Name and license number of distributor.
  - 2) Name and license number of employee performing the service.

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- 3) Type of service performed (shall be punched, if applicable).
- 4) The date the service was performed.

**Section 250.360 Subcontracting**

- a) Final Checkout, Service, and Maintenance  
When a distributor subcontracts final checkout service or maintenance for an engineered fire suppression system, they shall use a Class C licensed distributor. The subcontracted licensed distributor who actually performs the work shall secure the certification tag to the system indicating the type of work performed.
- b) When hydro-testing, cylinder drying, and refilling is subcontracted, the subcontractor shall meet the requirements of this Act and this Part and state so on an affidavit, to be maintained in the distributor's office files.

**Section 250.370 NICET Certification**

Effective January 1, 1994, all design drawings of engineered fire suppression systems shall be stamped by a licensed professional engineer or by a minimum NICET (National Institute for Certification in Engineering Technologies) Level III Special Hazards certified individual prior to submittal to the authority having jurisdiction. For information about the certification process, see the National Institute of Certification in Engineering Technologies, 1420 King Street, Alexandria, Virginia, 22314-2715, Engineering Technician and Technologist Certification Program Book, 6<sup>th</sup> Edition.

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- 1) Heading of the Part: Fire Equipment Distributor and Employee Standards
- 2) Code Citation: 41 Ill. Adm. Code 251
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
251.10	New
251.20	New
251.25	New
251.30	New
251.40	New
251.50	New
251.60	New
251.70	New
251.80	New
251.90	New
251.100	New
251.110	New
- 4) Statutory Authority: Authorized by and implementing the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rule replaces Part 251, adopts the current edition of the national standards and provides minimum requirements for licensed fire equipment distributors (Class A, B, and C), and licensed employees (Class 1, 2, and 3), for servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.
- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: These proposed rules provides the minimum requirements for fire equipment distributors and employees for servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:  
  
Misty Matykiewicz, Division Manager  
Division of Fire Prevention  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259  
  
Telephone: 217/558-0639  
Facsimile: 217-558-4992  
Email: misty.matykiewicz@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rule is applicable to all businesses that service, recharge, hydro-test, install, repair, replace, maintain or inspect fire extinguishers and fire suppression devices or systems.
  - B) Reporting, bookkeeping or other procedures required for compliance: Maintain a license issued by the agency.
  - 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 need for the new rules was not anticipated at the time that the agendas were published.

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

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TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 251  
FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS

Section	
251.10	Scope
251.20	Definitions
251.25	Incorporations by Reference
251.30	Trainee
251.40	Tagging
251.50	Certification Tags
251.60	Tamper Seals
251.70	Labeling
251.80	Subcontracting
251.90	Portable Fire Extinguishers
251.100	Pre-Engineered Fire Suppression Systems
251.110	Engineered Fire Suppression Systems

**AUTHORITY:** Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

**SOURCE:** Adopted at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 251.10 Scope**

This Part provides minimum requirements for licensed fire equipment distributors (Class A, B, and C), and licensed employees (Class 1, 2, and 3), for servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.

**Section 251.20 Definitions**

"Act": The Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

"Approved": Meeting the requirements of the Illinois State Fire Marshal's Office contained in this Part.

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"Fire Equipment Distributor": Any person, company or corporation that services, recharges, hydro-tests, inspects, installs, maintains, alters, repairs, or replaces fire extinguishers and/or fire suppression devices or systems other than water sprinklers. The term does not include a person, company or corporation that only hydro-test cylinders that store extinguishment materials.

"Employee": A licensee or person who is currently employed by a distributor licensed under the Act, whose full- or part-time duties may include servicing, recharging, hydro-testing, installing, maintaining or inspecting fire extinguishers and/or fire suppression devices or systems other than water sprinkler systems.

"Engineered Fire Suppression Systems": Any detection and special agent fire suppression system requiring individual calculation and design, the components of which have been tested and listed or approved by a nationally recognized testing laboratory. The design of the system must be within the manufacturer's parameters for the fire suppression system and components to protect a specific hazard. The design shall meet the applicable fire protection codes and standards. Engineered fire suppression systems shall not include water sprinkler systems.

"License" or "Licensed": The license issued by the Office pursuant to the Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280).

"Maintenance": The thorough examination of all components of a fire extinguisher or fire suppression device or system by a properly licensed employee to ensure the fire extinguisher and/or fire suppression device or system will operate effectively and safely in accordance with the NFPA standard adopted in this Part.

"NFPA": The National Fire Protection Association.

"Office" or "OSFM": The Office of the Illinois State Fire Marshal.

"Pre-Engineered Fire Suppression System": A fire suppression system having predetermined flow rates, nozzle pressures, and quantities of extinguishing agents. These systems may have specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a testing lab. The hazards protected by these systems are specifically limited as to type and size by a testing lab based upon actual fire tests.

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Limitations on hazards that can be addressed by a system are contained in the manufacturer's installation manual, which is referenced as part of the listing.

"Trainee": An individual who is employed by a distributor and is training under the direct supervision of an employee who is licensed in the same class for which the trainee has applied or will apply in accordance with this Part and the Fire Equipment Administrative Rules.

"UL": Underwriters Laboratory.

**Section 251.25 Incorporations by Reference**

- a) The following NFPA standards are hereby incorporated by reference:

National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02916-7471 (617)770-3000.

- NFPA 10: Standard for Portable Fire Extinguishers (2007)
- NFPA 11: Low-, Medium-, and High-Expansion Foam (2005)
- NFPA 12: Carbon Dioxide Extinguishing Systems (2005).
- NFPA 12A: Halon 1301 Fire Extinguishing Systems (2004).
- NFPA 17: Dry Chemical Extinguishing Systems (2002).
- NFPA 17A: Wet Chemical Extinguishing Systems (2002).
- NFPA 72: National Fire Alarm Code (2007).
- NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (2004).
- NFPA 750: Water Mist Fire Protection Systems (2006).
- NFPA 2001: Clean Agent Fire Extinguishing Systems (2004).

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- b) All materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

**Section 251.30 Trainee**

All work performed by a trainee shall be supervised by an employee who is licensed in the same class for which the trainee is applying. The distributor's and employee's license numbers shall appear on all tags and labels as required by Section 251.40.

- a) The distributor shall, within 90 days after employment, submit an application to OSFM for an employee to obtain a license for the class in which the employee will be training.
- b) If an individual neglects, fails or refuses to take the requisite examination within one year after the distributor files the application, the fee paid pursuant to 41 Ill. Adm. Code 280.30 shall be forfeited. However, the trainee may make a new application for examination, accompanied by the required fee.
- c) Within 30 days after the termination of a trainee, the distributor shall notify OSFM in writing.

**Section 251.40 Tagging**

- a) A certification tag shall be affixed to the front of the portable fire extinguisher or fire suppression system when the extinguisher or system is installed or modified, or when maintenance is performed.
- b) All tags that are exposed to the outdoor elements shall be enclosed in a plastic tag protector, unless the tag is made of a weather resistant material.
- c) On pre-engineered or engineered fire suppression systems, the certification tag shall be attached and visible at the suppression unit.

**Section 251.50 Certification Tags**

- a) An affixed certification tag indicates that the fire extinguisher or fire suppression system has been thoroughly checked and found to meet all requirements of this Part.

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- b) Certification tags shall meet the following specifications :
- 1) Minimum Size: 2? " x 5¼".
  - 2) The year shall be printed in a minimum of ½" in height.
- c) The certification tag shall have only one year printed on it.
- d) Certification service tags shall bear the following information on the front of the tag:
- 1) "Do Not Remove by Order of the State Fire Marshal".
  - 2) Signature of the person who performed the maintenance on the extinguisher or system. The use of a signature stamp is allowed.
  - 3) State license number of the person who performed the maintenance.
  - 4) Name of the distributor, State license number, street address, city, state and phone number.
  - 5) Type of maintenance performed (shall be punched).
  - 6) Month and year serviced (shall be punched).
  - 7) Department of Transportation approval number (if applicable).
  - 8) Type of extinguisher/item serviced (shall be punched) (fire extinguisher only).
  - 9) Type of system (shall be punched) (engineered or pre-engineered systems only).
- e) The certification tags shall be the following color for the respective calendar year in which the tag is affixed:
- 1) 2008 - White
  - 2) 2009 - Yellow

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- 3) 2010 - Green
- 4) 2011 - Blue
- 5) 2012 - White
- 6) 2013 - Yellow

**Section 251.60 Tamper Seals**

The tamper seal must correspond with the color of the certification tag. The tamper seal shall be removed during maintenance and a new tamper seal installed upon completion of maintenance.

**Section 251.70 Labeling**

- a) All labels shall be placed on the front or the side of the fire extinguisher or suppression system cylinder, creating an unobstructed view for inspection.
- b) All labels shall contain the following minimum information:
  - 1) Name and license number of distributor.
  - 2) Name and license number of employee performing the service.
  - 3) Type of service performed (shall be punched, if applicable).
  - 4) The date the service was performed (shall be punched, if applicable).

**Section 251.80 Subcontracting**

When a distributor subcontracts any work that is covered by the Act, with the exception of hydro-testing only, the subcontractor must be licensed and meet the requirements of the Act, and shall so state on an affidavit maintained in the distributor's office files.

**Section 251.90 Portable Fire Extinguishers**

- a) Portable fire extinguishers shall be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 10,

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incorporated by reference in Section 251.25. OSFM recommends that the building owner perform a monthly visual inspection of the portable fire extinguisher.

- b) Portable fire extinguishers may only be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- c) Automatic fire extinguisher units having self-contained automatic detection and actuation, providing the unit's limited discharge piping network cannot be modified in the field, may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- d) Wheeled, stationary and skid mounted fire extinguisher units, with or without quick opening valves and provided they are manually operated, shall be classified as fire extinguishers and may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- e) Carbon dioxide, dry chemical, and Halon 1211 and 1301 cylinders that are part of a fire suppression system may be recharged and hydro-tested by a licensed Class A distributor/Class 1 licensed employee. The fire suppression system, however, shall be serviced by a licensed Class B or licensed Class C distributor/Class 2 or Class 3 licensed employee, whichever is applicable.
- f) All fire extinguishers shall have a pictorial classification decal affixed to the front of the extinguisher, if such pictorial markings are not already provided on the manufacturer's label. Markings shall be applied by decals that are durable and color-fade-resistant on a single label. Such markings shall comply with NFPA 10, Appendix B.

**Section 251.100 Pre-Engineered Fire Suppression Systems**

- a) Pre-engineered fire suppression systems may only be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class B distributor/Class 2 licensed employee, except as otherwise specified in this Section.

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- b) Licensed Class A distributors/Class 1 licensed employees may perform recharging and hydro-testing functions enumerated in Section 251.90(e) on pre-engineered fire suppression systems.
- c) Pre-engineered fire suppression systems that are pre-piped in a hood and duct or other modular assembly and shipped to a location in Illinois shall be completed and certified by a licensed Class B distributor/Class 2 licensed employee.
- d) Pre-engineered fire suppression systems must be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 96, 17 and 17A, incorporated by reference in Section 251.25.

**Section 251.110 Engineered Fire Suppression Systems**

- a) Engineered fire suppression systems may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class C distributor/Class 3 licensed employee, except as otherwise specified in this Section.
- b) Licensed Class A distributors/Class 1 licensed employees may perform recharging and hydro-testing functions enumerated in Section 251.90(e) on engineered fire suppression systems.
- c) Engineered fire suppression systems must be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 12, 12A, 17, 72, 2001 and 750, as incorporated by reference in Section 251.25.
- d) Upgrades to existing Carbon Dioxide Extinguishing Systems as required in Section 1.3.4 of NFPA 12 are required to be completed by July 1, 2008 and not August 7, 2006 as stated in Section 1.3.5 of NFPA 12.
- e) All designs of an engineered system must be performed by an individual licensed as a professional engineer, certified by NICET (National Institute for Certification in Engineering Technologies) as a Level III Special Hazards technician or by an individual who is trained and currently certified by the manufacturer of the equipment being used in the engineered system. For information about the certification process, see the National Institute of Certification in Engineering Technologies, 1420 King Street, Alexandria VA 22314-2715, Engineering Technician and Technologist Certification Program Book, 6<sup>th</sup> Edition.

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- 1) Heading of the Part: Fire Equipment Administrative Procedures
- 2) Code Citation: 41 Ill. Adm. Code 280
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
280.10	Amendment
280.15	New
280.20	Amendment
280.30	Amendment
280.40	Amendment
280.50	Amendment
280.55	New
280.60	Amendment
280.65	Amendment
280.70	Amendment
280.75	Amendment
280.80	Amendment
- 4) Statutory Authority: Authorized by and implementing the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment adopts the current edition of the national standards and clarifies the procedures for compliance with the Act.
- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: To ensure companies and their personnel are properly trained in servicing, recharging, hydro-testing, installing, repairing, replacing,

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maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Misty Matykiewicz, Division Manager  
Division of Fire Prevention  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

Telephone: 217/558-0639  
Facsimile: 217-558-4992  
Email: misty.matykiewicz@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This administrative rule is applicable to all businesses that service, recharge, hydro-test, install, repair, replace, maintain or inspect fire extinguishers and fire suppression devices or systems.
  - B) Reporting, bookkeeping or other procedures required for compliance: Maintain a license issued by the agency.
  - 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 need for the new amendment was not anticipated at the time that the agendas were published.

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 280

FIRE EQUIPMENT ADMINISTRATIVE PROCEDURES

Section

- 280.10 Definitions
- [280.15 Incorporations by Reference](#)
- 280.20 Fire Equipment Distributor License
- 280.30 Fire Equipment Distributor Employee License
- 280.40 Examinations
- 280.50 Miscellaneous Fees
- [280.55 Continuing Education](#)
- 280.60 Complaints, Investigation, and Formal Charges
- 280.65 Administrative Hearing
- 280.70 Grounds for Revocation, Suspension or Refusal to Issue a License
- 280.75 Sanctions to be Imposed for Violators
- 280.80 Exemptions to Licensing

AUTHORITY: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

SOURCE: Adopted at 17 Ill. Reg. 7214, effective May 11, 1993; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 280.10 Definitions**

"Act". The "Fire Equipment Distributor and Employee Regulation Act of 2000" (~~Ill. Rev. Stat. 1991, ch. 111, par. 8001 et seq.~~) [225 ILCS [216215/1 et seq.](#)].

["Board". The Fire Equipment Distributor and Employee Advisory Board created by Section 25 of the Act.](#)

"Distributor License". An annual license issued to a distributor upon submittal of requisite forms designated by the Office, and the payment of fees outlined in the Act.

"Employee". A licensee or person who is currently employed by a distributor

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licensed under ~~the this~~ Act, whose full or part-time duties include servicing, recharging, hydro-testing, installing, maintaining, or inspecting all types of fire ~~suppression~~~~extinguishing~~ devices or systems other than water sprinkler systems.

"Employee License". A license issued to an employee after submitting an application to the Office, paying the fees outlined in the Act, and successfully passing the requisite examinations. This license is to be renewed annually upon payment of requisite fees.

"Fire Equipment Distributor". Any person, company or corporation ~~that which~~ services, recharges, hydro-tests, inspects, installs, maintains, alters, repairs, or replaces fire ~~suppression~~~~extinguishing~~ devices or systems, other than water sprinklers. The term does not include a person, company or corporation that only hydro-tests cylinders that store extinguishment materials.

"NAFED". The National Association of Fire Equipment Distributors, 104 South Michigan Avenue, Suite 300, Chicago, Illinois 60603.

"NFPA". ~~The term, NFPA, means the~~ National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-747102269. The number following the NFPA is the standard number and is followed by the year designating the year of publication (or edition). Where the Office has adopted a standard, no later editions or amendments are included.

"Office". Office of the Illinois State Fire Marshal.

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

### Section 280.15 Incorporations by Reference

- a) All incorporations by reference in this Section are incorporated as of the date specified and contain no later editions or amendments.
- b) The following national standards and regulations are incorporated by reference in this Part:

National Fire Protection Association  
1 Batterymarch Park  
Quincy MA 02169-7471

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[www.nfpa.org](http://www.nfpa.org)

[NFPA 10: Portable Fire Extinguishers \(2007\)](#)

[NFPA 11: Low-, Medium-, and High-Expansion Foam \(2005\)](#)

[NFPA 12: Carbon Dioxide Extinguishing Systems \(2005\), except Sections 1-10.1 through 1-10.1.5 shall apply only to new or replacement piping and fittings](#)

[NFPA 12A: Halon 1301 Fire Extinguishing Systems \(2004\), except Sections 1-10.1 through 1-10.1.6 shall apply only to new or replacement piping and fittings](#)

[NFPA 17: Dry Chemical Extinguishing Systems \(2002\)](#)

[NFPA 17A: Wet Chemical Extinguishing Systems \(2002\)](#)

[NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations \(2004\)](#)

[NFPA 750: Water Mist Fire Protection Systems \(2006\)](#)

[NFPA 2001: Clean Agent Fire Extinguishing Systems \(2004\)](#)

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

**Section 280.20 Fire Equipment Distributor License**

No person, fire association or corporation shall act as a Fire Equipment Distributor or as an agency licensed under ~~the~~[this](#) Act, or advertise or assume to act as such, or use any title that ~~suggests the~~[such](#) person is engaged in such practice or occupation, unless licensed by the Office.

- a) Criteria for ~~Licensure~~[licensure](#) as a Fire Equipment Distributor:
  - 1) Any person, company, or corporation ~~that~~[which](#) services, recharges, installs, hydro-tests, inspects, maintains, alters, repairs, or replaces fire ~~suppression~~[extinguishing](#) devices or systems, other than water sprinkler systems, shall accomplish the following to become licensed as a Fire

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## Equipment Distributor:

- A) Submit a completed application to the Office (this form ~~will~~shall be provided by the Office).
- B) Submit the annual license fee as follows:
- i) Class A Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers shall be \$100.~~00~~.
  - ii) Class B Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered fire ~~suppression~~extinguishing systems shall be \$200.~~00~~.
  - iii) Class C Fire Equipment Distributor license to service, repair, hydro-test, inspect or engineer all types of engineered fire suppression systems shall be \$300.~~00~~.
- C) Provide evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act [805 ILCS 405/~~0.01 et seq.~~].
- D) Provide evidence of financial responsibility in a minimum amount of ~~\$1,000,000~~\$300,000 through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention group. ~~;~~and
- E) Provide a copy of the identification number issued to the applicant by the United States Department of Transportation (USDOT) if engaged in hydro-testing and/or visually inspecting fire suppression devices or systems utilizing USDOT specification cylinders.
- 2) Upon submission of the requisite information and fees, the applicant will be assigned a license number and issued a ~~certificate~~Certificate of licensure. The ~~certificate~~Certificate shall be prominently displayed in the office of the distributor, or in ~~such~~ a location ~~where~~that the inspection may readily verify the distributor's compliance with licensing requirements.

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~~The certificate~~This Certificate will bear the following information:

- A) Name and location of distributor
- B) License ~~number~~Number
- C) ~~Classifications as outlined in subsection (a)(1)(B)~~Classification(s)
- D) Expiration date
- E) Signature of the State Fire Marshal

## b) Renewal of Fire Equipment Distributor License

- 1) The expiration and renewal dates for each distributor licensed under this Part shall be at one year intervals. The Office will notify the distributor, by issuance of an annual invoice, 30 days prior to the expiration of ~~the said~~ license. Failure of licensee to receive the invoice is not a valid reason for operating on an expired license.
- 2) Failure to renew by the end of the 60 day period following the expiration date shall lapse the license. The lapsed license may not be reinstated until a written application is filed and the renewal and reinstatement fees are paid (see Section 280.50).
- 3) Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty with the military, and who file for renewal or restoration within 1 year after discharge from ~~such~~ service.
- 4) The distributor shall ensure that the information provided under subsection (a) for initial licensure is still correct or shall update any incorrect information and provide any additional information requested.

## c) Amending Current Distributor Licenses

- 1) Any licensed Fire Equipment Distributor ~~that~~which changes its name, address, or business organization (partnership, corporation, ~~or~~ sole proprietorship, etc.) shall inform the Office within ~~10~~15 days, in writing, of such changes, and ~~paymake payment for~~ any requisite processing fees

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(see [Section 41 Ill. Adm. Code 280.50](#)).

2) Adding Classifications:

A) Any licensed [Fire Equipment Distributor](#) ~~fire equipment distributor holding a license from this Office~~ that applies for ~~the~~ additional classifications, ~~if the application is made during the term of the current license~~, prior to the ~~current~~ expiration date of the currently held license, shall:

- i) Submit a completed application ~~that~~ which specifies the classifications to be added; and
- ii) ~~Submit~~ submit payment of ~~the~~ those additional fees for the additional classifications, computed in accordance with subsection Section 280.20(a)(1)(B) above.

~~B) If the application is made during the term of their current license, prior to their current expiration date, the distributor shall:~~

- ~~i) Submit a completed application which specifies the classifications to be added; and~~
- ~~ii) submit payment of those additional fees computed in accordance with Section 280.20(a)(1)(B).~~

The expiration date of the license the distributor currently holds will remain the same for all classifications of the license, new and existing.

~~B)C)~~ Distributors applying to ~~may~~ add classifications to ~~their~~ the license for the next renewal period ~~on the expiration or renewal date~~ shall:

- i) Submit a completed application ~~that~~ which specifies the classifications ~~classification~~ to be added; and
- ii) Submit payment of ~~the~~ those additional fees for the additional classifications and for the currently licensed classifications, in accordance with subsection (a)(1)(B) and

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~~any applicable fees due under Section 280.50~~ ~~payment of renewal fees.~~

~~The Payment of fees outlined in Section 280.50 and a new expiration date of the added classifications shall be the same as the re-newed and license shall be issued.~~

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

**Section 280.30 Fire Equipment Distributor Employee License**

An individual who is currently employed by a distributor licensed under the Act, whose full or part-time duties include servicing, recharging, hydro-testing, installing, repairing, maintaining, or inspecting all types of fire ~~suppression~~ ~~extinguishing devices~~ ~~devises~~ and/or systems, other than water sprinkler systems, shall apply for a Fire Equipment Distributor Employee License. No person shall act as a Fire Equipment Distributor ~~employee or Employee~~, or advertise or assume to act as such, or use any title ~~implying that suggests the such~~ person is engaged in such practice or occupation, unless licensed by the Office.

- a) License Criteria for Fire Equipment Distributor Employee:
- 1) An individual applying for a Class 1, 2, and/or 3 license as described in Section 40 of the Act shall only be allowed to apply, and be examined, for those classifications ~~that which~~ correspond to those of the distributor (see Section 280.20(a)(1)(B)). The individual shall:
    - A) Submit a completed application on forms provided by the Office;
    - B) ~~Pay~~ Submit a payment for the requisite fees of \$20 per classification;
    - C) Submit ~~two (2)~~ 1" X 1" photographs; and
    - D) Register for and pass the certification examinations conducted by the Office through December 31, 2007 and by NAFED thereafter. A copy of the appropriate certificate issued by NAFED must be submitted (see Section 280.40).
  - 2) Upon successful completion of the examination, and, after December 31,

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2007, the receipt of a copy of the certificate issued by NAFED, the employee shall be licensed by the Office and issued an identification card. This identification card shall be carried at all times the employee is engaged in a licensed activity and shall be made available for inspection by Office personnel upon request.

- 3)2) Employees of a distributorship newly created after December 31, 1991 in which no employee holds a license issued by the Office will be subject to the following:
- A) Employee shall complete application forms provided by the Office;
  - B) Employee shall paysubmit a payment for the requisite fees of \$20 per classification;
  - C) Employee shall submit 2two (2) 1" X 1" photographs :-
  - D) The individual must register and be examined during the Office's next quarterly examination and, after December 31, 2007, must register and be certified by NAFED within 90 days after submitting his/her application form to the Office. Until such time as the individual takes the examination, the Office will issue a letter that, which shall be carried by the individual. This letter will serve as an interim license and shall expire 30 days afterfrom the scheduled quarterly examination date.
  - E) AnIf the individual who fails to successfully complete the examination, he must then work as a trainee and follow the provisions outlined in 41 Ill. Adm. Code 251250.
- b) Renewal of Fire Equipment Distributor Employee License-
- 1) The Office will notify the distributor, by issuance of an annual invoice, 30 days prior to the expiration date of the employee license. However, failure to receive the invoice from the Office is not a valid reason for operating on an expired license. The distributor shall return the appropriate copies of the annual invoice, along with the following:
    - A) Requisite classification fees for the employee, in accordance with

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- subsection (a)(1)(B);
- B) 2Two (2) 1" X 1" photographs of the employee;
- C) A signedSigned identification card for theeach employee (provided by the Office);-
- D) For an employee licensed by the Office after December 31, 2007, a copy of the employee's current certification or recertification issued by NAFED; and
- E) Beginning January 1, 2008, for all licensees not certified by NAFED, evidence of satisfactory completion of continuing education as required by Section 280.55.
- F) Effective January 1, 2011, all employees must obtain and maintain a NAFED certification and submit a copy of such certification to renew their license.
- 2) *Failure to renew an employee license by the end of the 9060 day period following the expiration date shall lapse the license. The lapsed license may not be reinstated until a written application is filed and the renewal and the reinstatement fees are paid;* (see Section 280.50).
- 3) *Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty with the military; and who file for renewal or restoration within 1 year after discharge from such service. (Section 60(c) of the Act)*
- 4) A lapsed license may not be reinstated after 5 years have elapsed, except upon passing an examination (under Section 280.40) and paying the required fees. (Section 60(c) of the Act)
- c) Amending Currentof Employee LicensesLicense.
- 1) Any licensed Fire Equipment Distributorfire equipment distributor employee who changes arequests a change of name, address or distributorship shall inform the Office within 1015 days, in writing, after the change such changes and paymake payment of any requisite processing

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fees (see Section 280.50).

2) Additional Classifications

A) Any licensed Fire Equipment Distributor~~fire equipment distributor~~ employee ~~who who currently holds a license from this Office, and applies for the additional classifications, shall, if the application is made during the term of the current license,~~ prior to the ~~current~~ expiration date of the currently held license, shall:

i)A) Submit a completed application ~~that~~which specifies the classifications to be added;

ii)B) Submit payment of ~~the additional~~ fees for the additional classifications, computed in accordance with subsection (a)(1)(B)Section 280.50; and

iii)C) Register for and successfully complete the requisite examination for the classification ~~which is~~ to be added.

B) The expiration date of the license the employee currently holds will remain the same for all classifications of the license, new and existing.

d) Termination of Employment

Any licensed employee who terminates employment with the licensed Fire Equipment Distributor under whom the employee holds licensure is subject to the following procedures:

1)A) The terminated employee shall return to the distributor, within 10 days after termination of employment, the identification card ~~that, which~~ was issued by the Office, ~~to the distributor;~~

2)B) Within ~~30~~10 days after the termination, the distributor shall notify the Office, in writing, of the termination and return the employee identification card;

3)C) The identification card and notification letter will be held in file until ~~as such time as~~ application is made on behalf of ~~the~~this employee by

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another licensed distributor. The expiration date of the employee license shall remain effective and shall be transferred to ~~at~~ the new distributor employee license ~~issued under a new distributor~~ for the remainder of the term. (See Section 280.50 for requisite processing fees.)

- e) Failure to Maintain NAFED Certification  
The distributor shall notify the Office in writing and return the employee's identification card within 10 days after expiration of the employee's certification issued by NAFED.

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

**Section 280.40 Examinations**

- a) Examinations will be developed, provided and administered by Office personnel. The Office will schedule examinations at sites throughout the State.
- b) The Office will follow the guidelines for testing ~~as~~ outlined in 41 Ill. Adm. Code ~~140.200~~140.8 when applicable.
- c) Examinations will be developed and derived from 41 Ill. Adm. Code ~~251~~Part 250, the Act; and ~~the following~~ NFPA 10, 11, 12, 12A, 17, 17A and 96, as incorporated by Section 280.15. editions:

~~NFPA 10 (1988)~~

~~NFPA 96 (1987)~~

~~NFPA 17 (1985)~~

~~NFPA 17A (1986)~~

~~NFPA 12 (1989) except Sections 1-10.1 through 1-10.1.5 shall apply only to new or replacement piping and fittings.~~

~~NFPA 12A (1989) except Sections 1-10.1 through 1-10.1.6 shall apply only to new or replacement piping and fittings.~~

~~NFPA 12B (1985)~~

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~~NFPA 11 (1988)~~

~~NFPA 11A (1988)~~

- d) After December 31, 2007, examinations will be developed, provided and administered by NAFED. NAFED will identify the examination dates, time, location and fees.
- 1) An individual applying for a Class 1 license must be certified by NAFED as a Portable Fire Extinguisher Technician.
  - 2) An individual applying for either a Class 2 license must be certified by NAFED as a Pre-Engineered Kitchen Fire ~~Suppression~~ System Technician.
  - 3) An individual applying for a Class 3 license must be certified by NAFED as an Engineered Fire Supression System Technician.

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

**Section 280.50 Miscellaneous Fees**

- a) Branch Office Fee. If a ~~Fire Equipment Distributor~~ ~~fire equipment distributor~~ has more than one office in this State, a branch office license is required. A fee of ~~\$50.00~~ will be assessed for each branch office license.
- b) Office Processing Fees:
  - 1) A fee of ~~\$50.00~~ is required if a check or other order is returned by a financial institution twice because of insufficient funds. An additional fee of ~~\$100.00~~ shall be imposed for practicing without a current license, if the failure of the check to clear results in lapse of the license.
  - 2) A fee of ~~\$20.00~~ shall be assessed for replacing a lost license, change of name or address, or the addition of classifications or employees to a distributorship.
  - 3) A fee of ~~\$100.00~~ per classification shall be assessed to distributors whose

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licenses have lapsed and \$20.00 for each employee license ~~that~~which has lapsed.

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

**Section 280.55 Continuing Education**

- a) Beginning January 1, 2008, each employee is required to receive at least 8 hours of continuing education in his or her respective area of licensure to ensure continued qualifications.
- b) Continuing education may be conducted by an independent organization that has experience in the subject matter or by the distributor. Continuing education and training may include, but is not limited to, classroom, seminars, or hands-on training that is conducted by the distributor, manufacturer, or third party like NAFED or the NFPA, on subjects that relate to the area of license.
- c) The distributor shall document the time, date and subject matter of, and instructor or third party that provided, the training. In addition, the distributor shall maintain information regarding any training provided as continuing education, including the syllabus, outline, lecturer's notes, handouts or any other information that identifies the training provided. This information must be kept on file a period of 3 years.
- d) Effective January 1, 2011, the requirements of this subsection shall be met by the requirement that all employees obtain and maintain a NAFED certification.

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

**Section 280.60 Complaints, Investigation, and Formal Charges**

- a) Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be submitted to the Office of the State Fire Marshal, Division of Fire Prevention, in writing, and signed by the complainant.
- b) Investigation
  - 1) Allegations of wrong doing on the part of the distributor or its employee shall be investigated by the Office.

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- 2) *The Office may summarily suspend a license under the Act, without a hearing, simultaneously with the filing of a formal complaint and notice ~~off for a~~ hearing ~~provided under this Section~~ if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the Office suspends a license under this subsection (b)(2), a hearing by the hearing officer designated by the Office shall begin within ~~2030~~ days after ~~the such~~ suspension begins, unless continued at the request of the licensee. [\(Section 90\(b\) of the Act\)](#)*
- 3) *The Office, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State, may apply for injunctive relief in any court to enjoin from practicing a licensed activity:*
  - A) *any person who has not been issued a license, or whose license has been suspended, revoked, or not renewed; or [\(Section 10 of the Act\)](#)*
  - B) *any person found to be guilty of the offenses outlined in Section 280.70.*
- c) *Formal Charges-*
  - 1) *Following the investigative process, the Office may file formal charges against the licensee. ~~The Such~~ formal charges shall, at a minimum, inform the licensee of the facts ~~that make up which are~~ the basis of the charge and ~~that which~~ are specific enough to enable the licensee to defend himself or herself. [\(Section 85\(a\) of the Act\)\(Ill. Rev. Stat. 1991, ch. 111, par. 8019\) \[225 ILCS 215/19\]](#)*
  - 2) *Each licensee whose conduct is the subject of a formal charge, if the Office seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge and hearing date at least 30 days before the date of the hearing. [\(Section 85\(b\) of the Act\)](#)*
  - 3) *The notice of formal ~~charges~~ shall consist at a minimum of the following information:*

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- A) *The time, place and date of the hearing;*
- B) *That the licensee shall ~~have the right to~~ appear personally at the hearing and may be represented by counsel;*
- C) *That the licensee shall have the right to produce witnesses and evidence in his or her behalf and shall have the right to cross-examine witnesses and refute evidence produced against him or her;*
- D) *That the hearing could result in disciplinary action being taken against his or her license;*
- E) *That rules for the conduct of these hearings exist and it may be in the licensee's ~~his~~ best interest to obtain a copy; ~~(Ill. Rev. Stat. 1991, ch. 111, par. 8019)~~*
- F) *That a hearing officer authorized by the State Fire Marshal shall preside at the hearing and, following the conclusion of the hearing, shall make findings of fact, conclusions of law, and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee; and*
- G) *That the State Fire Marshal may continue the hearing based on grounds outlined in 41 Ill. Adm. Code 210.80. (Section 85(c) of the Act)~~[ILCS 215/19]~~*
- 4) *Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Office. (Section 85(b) of the Act)*
- 5) *~~The Office may continue such hearing based upon grounds outlined in 41 Ill. Adm. Code 210.80.~~*

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

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**Section 280.65 Administrative Hearing**

The hearing, as outlined in 41 Ill. Adm. Code 210.10, for addressing the formal charges shall:

- a) Be conducted in conformance with 41 Ill. Adm. Code 210.60; ~~and~~
- b) Have a ~~hearing officer~~~~Hearing Officer~~ present, authorized by the State Fire Marshal (41 Ill. Adm. Code 210.70), who shall preside over the ~~administrative hearing~~~~Administrative Hearing~~.
- c) Any party to the formal charge may, in accordance with 41 Ill. Adm. Code 210.110, request a pre-hearing conference.
- d) Appearance at the administrative hearing shall be in conformance with 41 Ill. Adm. Code 210.50.
- e) Continuance may be granted by the ~~hearing officer~~~~Hearing Officer~~ for the grounds outlined in 41 Ill. Adm. Code 210.80.
- f) *All final administrative decisions of the Office are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant to that Law~~hereto~~. Such proceedings for judicial review shall be commenced in the ~~circuit court~~~~Circuit Court~~ of the county in which the party applying for review resides; but if such party is not a resident of Illinois, the venue shall be in Sangamon County. (Section 100 of the Act)(Ill. Rev. Stat. 1991, ch. 111, par. 8021) [225 ILCS 215/21]*

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

**Section 280.70 Grounds for Revocation, Suspension or Refusal to Issue a License**

Licenseses subject to ~~the this~~ Act shall conduct their practice in accordance with the Act and with 41 Ill. Adm. Code ~~251~~~~250~~ and this Part. Licensees shall be subject to the exercise of the disciplinary sanctions enumerated in Section 280.75 if the State Fire Marshal finds that a licensee is guilty of any of the following or other grounds enumerated in ~~Section 75 of the Act~~~~Ill. Rev. Stat. 1991, ch. 111, par. 8017~~ [225 ILCS 215/17]:

- a) *fraud or material deception in obtaining or renewing a license;*

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- b) *professional incompetence as manifested by poor standards of service;*
- c) *engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;*
- d) *conviction of any crime by a licensee ~~that~~which has a substantial relationship to his or her practice~~practices~~ or an essential element of which is misstatement, fraud or dishonesty, or conviction in this or another state of any crime ~~that~~which is a felony under the laws of Illinois or conviction of a felony in a federal court, unless ~~the~~such person demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust;*
- e) *performing any services in a grossly negligent manner or permitting any of his or her licensed employees to perform services in a grossly negligent manner, regardless of whether actual damage or damages to the public are established;*
- f) *habitual drunkenness or habitual addiction to the use of morphine, cocaine, controlled substances, or other habit forming drugs;*
- g) *willfully receiving compensation for any professional services not actually rendered;*
- h) *having disciplinary action taken against his or her license in any other state;*
- i) *making differential treatment against any person to his or her detriment because of race, color, creed, sex, religion, or national origin;*
- j) *engaging in unprofessional conduct;*
- k) *engaging in false or misleading advertising;*
- l) ~~f)~~ *contracting or assisting unlicensed persons to perform services for which a license is required under the Act;*
- m) ~~g)~~ *permitting the use of his or her license to enable any unlicensed ~~person~~persons or agency to operate as a licensee;*
- n) ~~h)~~ *performing and charging for services without having authorization to do so from*

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

the ~~member~~members of the public being serviced;

~~o)†~~ failure to comply with any provision of the Act or this Part;

~~p)†~~ conducting business regulated by ~~the~~this Act without a currently valid license.

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

**Section 280.75 Sanctions to be Imposed for Violators**

- a) The Office shall impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any offense described in Section ~~90(a)17~~ of the Act (~~Ill. Rev. Stat. 1991, ch. 111, par. 8017~~) [~~225 ILCS 215/17~~] or Section ~~280.70280.65~~ of this Part:
- 1) *Revocation of license;*
  - 2) *Suspension of license for any period of time;*
  - 3) *Reprimand or censure;*
  - 4) *Placement ~~Place~~ on probationary status ~~for a period of time~~ and the requirement of ~~require~~ submission to any of the following:*
    - A) *Report regularly to the Office upon matters ~~that~~ which are the basis of the probation;*
    - B) *Continuation or renewal of professional education until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or*
    - ~~C)B)~~ *Such other reasonable requirements or restrictions as are proper;*
  - 5) *Refusal ~~Refuse~~ to issue, renew or restore the license;*
  - 6) *Revocation of ~~Revoke~~ probation ~~that~~ which has been granted and imposition of ~~impose~~ any other discipline in this subsection (a) ~~above~~ when the requirements of probation have not been fulfilled or have been violated. (~~Ill. Rev. Stat. 1991, ch. 111, par. 8020~~) [~~225 ILCS 215/20~~]*

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- b) Disposition may be made of any formal complaint by consent order between the State Fire Marshal and the licensee, but the Board must be apprised of the full consent order in a timely way. (Section 90(c) of the Act)
- c) ~~b)~~ The Office shall reinstate any license to good standing under this Act, upon recommendation to the Office, after a hearing before the hearing officer authorized by the Office. The Office shall be satisfied that the applicant's renewed practice is not contrary to public interest. (Section 90(d) of the Act)
- d) The State Fire Marshal may order a licensee to submit to a reasonable physical examination if his or her physical capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a State Fire Marshal order to submit to a physical examination shall render a licensee liable to the summary suspension procedures described in Section 280.60(b)(2). (Section 90(e) of the Act)
- e) ~~e)~~ The Office may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by the Act without having a valid license, certificate or registration. Any person in violation of a cease and desist order entered by the Office shall be subject to all of the remedies provided by law, and, in addition, shall be subject to a civil penalty payable to the parties injured by the violation. (Section 90(f) of the Act)
- f) ~~e)~~ An order of revocation, suspension, placing the license on probationary status or other formal disciplinary action as the Office may deem proper, or a certified copy thereof, over the seal of the Office, and purporting to be signed by the Office, is prima facie proof, but may be rebutted, that:
- 1) The ~~Such~~ signature is that of the Office;
  - 2) The ~~That~~ Office is qualified to act; and
  - 3) The hearing officer is qualified to act on behalf of the Office. (Section 105 of the Act)
- g) ~~e)~~ Upon the suspension or revocation of a license issued under ~~the~~this Act, a licensee shall surrender the license to the Office. Upon failure to do so, the Office shall seize the license. (Section 110 of the Act)

## OFFICE OF THE STATE FIRE MARSHAL

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

**Section 280.80 Exemptions to Licensing**

~~This~~ In accordance with Ill. Rev. Stat. 1991, ch. 111, par. 8004 [225 ILCS 215/4], licensing requirement embodied in this Part shall not apply to:

- a) *An officer or employee of this State, the fire department or fire protection district of any political subdivision of this State while such officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the State or any political subdivision. However, any such person who offers his or her services as a private fire equipment distributor or employee, or any title where similar services are performed for compensation, fee or other valuable consideration, whether received directly or indirectly, shall be subject to ~~the~~this Act and its licensing requirements. (Section 15(a) of the Act)*
- b) *Any person who engages in hydrostatic testing of fire equipment but does not service, recharge, install, maintain, or inspect that equipment shall not be required to be licensed under the Act. (Section 15(b) of the Act)*
- ~~c)~~ Any entity regulated by the federal government in which employees of the company engage in such activities incidental to its own business, as long as properly trained.
- ~~d)~~ *Any person, company or corporation employing 2,000 or more employees within the State of Illinois that engages in these activities incidental to its own business. (Section 5(d) of the Act)*

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Number: 515.380                      Proposed Action: Amendment
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 94-0865 changed the name of the Department of Public Health Uniform DNR Order Form to the Department of Public Health Uniform DNR Advance Directive. This rulemaking makes changes to reflect this name change.
- 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 Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

e-mail: IDPH.RULES@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515  
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

## SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

## SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

## SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications

## DEPARTMENT OF PUBLIC HEALTH

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515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints

## SUBPART D: EMERGENCY MEDICAL TECHNICIANS

## Section

515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing and Fees
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity

## SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

## Section

515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder - AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

## SUBPART F: VEHICLE SERVICE PROVIDERS

## DEPARTMENT OF PUBLIC HEALTH

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## Section

515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY  
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

## Section

515.900	Licensure of SEMSV Programs - General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center
515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

## SUBPART H: TRAUMA CENTERS

## Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center

## DEPARTMENT OF PUBLIC HEALTH

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515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

## SUBPART I: EMS ASSISTANCE FUND

Section	
515.3000	EMS Assistance Fund Administration

## SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section	
515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation
515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Interfacility Pediatric Trauma and Critical Care Consultation and/or

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## Transfer Guideline

**AUTHORITY:** Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

**SOURCE:** Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: EMS SYSTEMS

**Section 515.380 Do Not Resuscitate (DNR) Policy**

- a) A System shall adopt a Regional standardized DNR policy for use by System personnel. The policy shall be implemented only after it has been reviewed and approved by the Department, in accordance with the requirements of this Section. For purposes of this Section, DNR refers to the withholding of cardiopulmonary resuscitation (CPR) and cardiocerebral resuscitation (CCR); electrical therapy to include pacing, cardioversion and defibrillation; invasive airway management and manually or mechanically assisted ventilations, unless otherwise stated on the DNR [Advance Directive Order](#).
- b) The policy shall include, but not be limited to, specific procedures and protocols for cardiac arrest/DNR situations arising in long-term care facilities, with hospice and home care patients, and with patients who arrest during inter-hospital transfers or transportation to or from home.
- c) The policy shall include specific procedures and protocols for withholding CPR

## DEPARTMENT OF PUBLIC HEALTH

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and CCR in situations where explicit signs of biological death are present (e.g., decapitation, rigor mortis without profound hypothermia, profound dependent lividity), or the patient has been declared dead by a coroner/medical examiner or the patient's physician. The policy shall include recording such information on the patient care report.

- d) For situations not covered by subsection (c) of this Section, the policy shall require that resuscitative procedures be followed unless a valid DNR [Advance DirectiveOrder](#) is present.
- e) *The Department of Public Health Uniform DNR [Advance DirectiveOrder form](#) or a copy of that [Advance Directiveform](#) shall be honored.* (Section 3.57 of the Act) If the Department Uniform DNR [Advance DirectiveOrder form](#) is reproduced, it is recommended that brightly colored paper be used. Systems shall also have a policy in place concerning recognition of other DNR [Advance Directivesorders](#). The information required on the Department Uniform DNR [Advance DirectiveOrder form](#) includes, but is not limited to, the following items:
- 1) Name of the patient,
  - 2) Name and signature of attending physician,
  - 3) Effective date,
  - 4) The words "Do Not Resuscitate",
  - 5) Evidence of consent—~~either~~:
    - A) signature of patient; or
    - B) signature of legal guardian; or
    - C) signature of durable power of attorney for health care agent; or
    - D) signature of surrogate decision-maker.
- f) A living will by itself cannot be recognized by pre-hospital care providers.
- g) Revocation of a written DNR [Advance DirectiveOrder](#) shall be made only in one

## DEPARTMENT OF PUBLIC HEALTH

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or more of the following ways:

- 1) The [Advance Directive Order](#) is physically destroyed by the physician who signed the [Advance Directive Order](#) or by the person who gave written consent to the [Advance Directive Order](#); or
- 2) The [Advance Directive Order](#) is verbally rescinded by the physician who signed the [Advance Directive Order](#) or by the person who gave written consent to the [Advance Directive Order](#) and the word "VOID" is written in large letters across the front of the [Advance Directive Order](#), and the [Advance Directive Order](#) is signed and dated by the physician who signed the [Advance Directive Order](#) or by the person who gave written consent to the [Advance Directive Order](#).
- h) A System's DNR policy shall require System personnel to make a reasonable attempt to verify the identity of the patient (for example, identification by another person or an identifying bracelet) named in a valid DNR [Advance Directive Order](#).
- i) The policy shall describe the roles of the on-line medical control physician and ECRN in DNR situations.
- j) The policy shall state which System EMS personnel are authorized to respond to a valid DNR [Advance Directive Order](#) (EMT-P, EMT-I, EMT-B, Pre-hospital RN, First Responder (FR), First Responder/Automated External Defibrillator (FR/AED)).
- k) The policy shall cross-reference the System's coroner/medical examiner notification policy.
- l) The policy shall describe the System's program for educating System personnel concerning the policy.
- m) The policy shall identify the quality assurance measures specific to this policy, including the methods and periods of review.

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2160                      Proposed Action: Amendment
- 4) Statutory Authority: IITA Sections 201(k) and 1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 100.2160 to reflect the repeal of the research and development credit in Public Act 93-029 and its re-enactment in Public Act 93-840.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2470	Amendment	31 Ill. Reg. 12296; 8/24/2007
100.2185	Amendment	31 Ill. Reg. 12449; 8/31/2007
100.7110	Amendment	31 Ill. Reg. 12670; 9/7/2007
100.2110	Amendment	31 Ill. Reg. 13086; 9/14/07
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton  
Deputy General Counsel - Income Tax

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Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses engaged in Illinois-based research and development activities will be provided with guidance on how the research and credit is claimed before and after its repeal and subsequent re-enactment.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

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

## SUBPART A: TAX IMPOSED

## Section

- 100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

## Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2163 Environmental Remediation Credit (IITA 201(l))  
100.2165 Education Expense Credit (IITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)  
100.2185 Film Production Services Credit (IITA 213)  
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)  
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)  
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)  
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))  
100.2198 Economic Development for a Growing Economy Credit (IITA 211)  
100.2199 Illinois Earned Income Tax Credit (IITA 212)

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

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## Section

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

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

## Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

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Business Group: Changes in Membership

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

## Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

## SUBPART F: BASE INCOME OF INDIVIDUALS

## Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

## Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

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

## Section

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

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## NOTICE OF PROPOSED AMENDMENT

## SUBPART J: COMPENSATION

## Section

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

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

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

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART M: ACCOUNTING

## Section

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100.4500 Carryovers of Tax Attributes (IITA Section 405)

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

## Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
100.5040 Innocent Spouses  
100.5050 Frivolous Returns  
100.5060 Reportable Transactions

## SUBPART O: COMPOSITE RETURNS

## Section

100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credits for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

## Section

100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5215 Filing of Separate Unitary Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
100.5240 Claims for Credit of Overpayments  
100.5250 Liability for Combined Tax, Penalty and Interest

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100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

## Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

## Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

## Section

100.7200	Reports for Employee (IITA Section 703)
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## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)

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100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

## Section

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

## SUBPART V: NOTICE AND DEMAND

## Section

100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

## Section

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

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

## Section

100.9300 Deficiencies and Overpayments (IITA Section 904)  
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

## Section

100.9400 Credits and Refunds (IITA Section 909)  
100.9410 Limitations on Claims for Refund (IITA Section 911)  
100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

## Section

100.9500 Access to Books and Records (IITA Section 913)

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

## SUBPART AA: JUDICIAL REVIEW

## Section

100.9600	Administrative Review Law (IITA Section 1201)
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## SUBPART BB: DEFINITIONS

## Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

## SUBPART CC: LETTER RULING PROCEDURES

## Section

100.9800	Letter Ruling Procedures
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## SUBPART DD: MISCELLANEOUS

## Section

100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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

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

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5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

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effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

**Section 100.2160 Research and Development Credit (IITA 201(k))**

- a) *For Beginning with tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, a taxpayer shall be allowed a credit against the tax imposed by IITA SectionSections 201(a) and (b) for increasing research activities in this State (IITA 201(k)).*
- b) *The credit allowed shall be equal to 6½% of the qualifying expenditures for increasing research activities in this State (IITA Section 201(k)).*
- c) Not all "research" will qualify for the credit. Nor will every expenditure associated with research qualify for the credit. Qualified research is defined in IRC Section 41(d). Qualifying expenditures means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under IRC Section 41 and which are conducted in this State.

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- 1) IRC Section 41(b) defines "qualifying research expenses" as the sum of the in-house research expenses and the contract research expenses paid or incurred by the taxpayer during the taxable year in carrying on any trade or business of the taxpayer.
- 2) Qualifying expenditures also include basic research payments. Basic research payments are defined in IRC Section 41(e).
- d) Qualifying expenditures for increasing research activities in this State means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period. Qualifying expenditures for the base period means the average of the qualifying expenditures for each year in the base period.
- e) Base period means the 3 taxable years immediately preceding the taxable year for which the determination is being made. For purposes of computing the average qualifying expenditures for the base period:
  - 1) For taxable years after a taxpayer has succeeded to the tax items of a corporation under IITA Section 405(a), qualifying expenditures incurred by the corporation during the base period shall be deemed to be qualifying expenditures of the taxpayer.
  - 2) If the taxpayer incurred no qualifying expenditures during a base period year, the qualifying expenditures for that year are zero, even if the taxpayer was not in existence or conducting any business in Illinois during that year.
  - 3) If the taxpayer was doing business in this State for only part of a base period year, the qualifying expenditures for that year shall be equal to the qualifying expenditures actually incurred, multiplied by 365 and divided by the number of days in the portion of the taxable year during which the taxpayer was doing business in this State.
  - 4) Qualifying expenditures incurred in taxable years in which the taxpayer did not qualify for the credit, including taxable years ending on or after December 31, 2003 and prior to December 31, 2004 must be included in the computation of qualifying expenditures for the base period.

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- f) *Any credit in excess of the tax liability for the taxable year may be carried forward to offset the income tax liability of the taxpayer for the next 5 years or until it has been fully utilized, whichever occurs first (IITA Section 201(k)), provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003. If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year is applied first. If a tax liability for the given year remains, the credit from the next earliest year is applied. Any remaining unused credit or credits can be carried forward to the next following year in which a tax liability exists. However, the credit can only be carried forward 5 years from the year in which the taxpayer incurred the expense for which the credit was given. Any unused credit is then forfeited.*
- g) Combined returns. In the case of taxpayers filing combined returns, Section 100.5270(d) of this Part details the manner in which the credit is determined.
- h) Pass-through of credits to partners and Subchapter S corporation shareholders.
- 1) For tax years beginning on and after January 1, 1999, partners and shareholders of Subchapter S corporations *shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.* No inference shall be drawn from the enactment of Public Act 91-644, which expressly allows this pass-through of credits, in construing IITA Section 201(k) for tax years beginning prior to January 1, 1999.
- 2) Repeal and re-enactment of the credit. Due to the repeal of the credit for taxable years ending on or after December 31, 2003, and the re-enactment of the credit for taxable years ending on or after December 31, 2004:
- A) A partner or shareholder may not claim a credit passed through from a partnership or Subchapter S corporation for any taxable year of the partner or shareholder ending on or after December 31, 2003 and prior to December 31, 2004, even if the credit was earned in a taxable year of the partnership or Subchapter S corporation ending prior to December 31, 2003.

DEPARTMENT OF REVENUE

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- B) No credit may be earned by a partnership or Subchapter S corporation for a taxable year ending on or after December 31, 2003 and prior to December 31, 2004, and passed through to a partner or shareholder, even if the partner or shareholder would have reported the credit for a taxable year ending on or after December 31, 2004.

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3) Section Number: 1230.20                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed in order to set the minimum age for FOID Card applicants.
- 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 Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendment. The submissions must be in writing and directed to:

Mr. John M. Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South 7<sup>th</sup> Street, Suite 1000-S  
Post Office Box 19461

DEPARTMENT OF STATE POLICE

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Springfield, Illinois 62794-9461

217/782-7658

- 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 which this rulemaking was summarized: January 2007

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1230  
FIREARM OWNER'S IDENTIFICATION CARD ACT

## Section

1230.10	Definitions
1230.20	Application Procedures
1230.30	Duration and Renewal of Identification Card
1230.40	Sponsorship of a Minor
1230.50	Denial of Application or Revocation and Seizure of Identification Card
1230.60	Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
1230.70	Appeal
1230.80	Judicial Review
1230.90	Certification
1230.100	Reduction of Remittance
1230.110	Retention of Remittance
1230.EXHIBIT A	Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B	Certification (Repealed)

**AUTHORITY:** Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].

**SOURCE:** Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1230.20 Application Procedures**

Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. [Applicants for a Firearm Owner's Identification Card shall be at least 10 years of age.](#) These forms will be made available through the Firearms Services Bureau, P.O. Box 3677, Springfield, Illinois 62708-3677. All forms must be properly

## DEPARTMENT OF STATE POLICE

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completed, accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form. Other than in regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean an Illinois driver's license and an Illinois driver's license number. In regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean his or her driver's license number or state identification card number from his or her state of residence. All Firearm Owner's Identification Cards issued shall remain the property of the Department.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.230                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and P.A. 95-0206
- 5) Effective date of Amendment: September 10, 2007
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: September 10, 2007
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary to comply with provisions of P.A. 95-0206 which require the Department of Human Services to increase the income eligibility threshold for child care benefits to no less than 185% of the most current federal poverty level for each family size effective July 1, 2007.
- 10) A complete description of the subject and issues: This rulemaking effects Human Capital Development. Pursuant to provisions of Public Act 95-0206, this rulemaking increases the income eligibility threshold for child care benefits to no less than 185 % of the most current federal poverty level for each family size. As a result, families who receive wage increases due to the increase in the minimum wage are more likely to remain eligible for child care assistance.
- 11) Are there any other proposed rulemakings pending on this Part? Yes

Section Number:  
50.230

Proposed Action:  
Amendment

Illinois Register Citation:  
31 Ill. Reg. 11018; August 3, 2007

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONSPART 50  
CHILD CARE

## SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

## SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
<u>EMERGENCY</u>	
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

## SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

## SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART E: GREAT START PROGRAM

## Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

**AUTHORITY:** Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days.

## SUBPART B: APPLICABILITY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

**Section 50.230 Child Care Eligibility**

**EMERGENCY**

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
  - 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.
  - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	<del>\$2,111,051</del>
3	<del>\$2,648,533</del>
4	<del>\$3,184,016</del>
5	<del>\$3,721,498</del>
6	<del>\$4,257,981</del>
7	<del>\$4,794,074</del>
8	<del>\$5,330,462</del>

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level~~50% of the most current State Median Income~~ for each family size.

- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first Bachelor's Degree) whose monthly

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income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size.

- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
  - d) Payment for child care services to eligible parents may begin:
    - 1) if care was provided at the time and all eligibility factors are met, on either:
      - A) the date of the parent's signature; or
      - B) one week (seven calendar days) prior to the stamped date of receipt

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by the Department or its agents, whichever is later; or

- 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days)

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

<u>Section Number:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE C	New Section
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table C to reflect the Agreement between CMS and the Illinois Federation of Public Employees (IFPE) Local 4408, AFT/AFL-CIO, that was signed July 30, 2007. The Agreement is effective July 1, 2006 through June 30, 2008. The Agreement assigns the positions within the Site Superintendent title and the positions in the Public Service Administrator title with the option 5 designation to the new RC-056 bargaining unit and one of the following new RC-056 pay grades: 19; 20; 21; 22; 23; and 24. No position within the Site Superintendent title or the positions in the Public Service Administrator title with option 5 designation was excluded from the bargaining unit by the Illinois Labor Relations Board.  
  
When the Site Superintendent title is approved to be abolished by the Civil Service Commission, the Site Superintendent title and its broad-band pay range will be removed from Section 310.Appendix G through proposed amendments. When the new classifications are approved to be established by the Civil Service Commission, the positions within the Site Superintendent title and the Public Service Administrator title with the option 5 designation will be reclassified into the following classification titles: Agricultural Executive; Agricultural Land and Water Resources Supervisor; Natural Resources Education Program Coordinator; Natural Resources Grant Coordinator; Natural Resources Manager I, II and III; Natural Resources Site Manager I and II; Plant and Pesticide Specialist Supervisor; Site Superintendent I, II and III; Veterinary Consumer Safety Officer; Veterinary Pathologist; Veterinary Supervisor I and II; and Warehouse Examiner Supervisor.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: August 29, 2007
- 7) A Complete Description of the Subjects and Issues Involved: In the Table of Contents,

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the repealed Section 310.Appendix A Table C heading is removed and a new RC-056 bargaining unit heading is added.

In Section 310.Appendix A Table C, the repealed heading is removed and a new RC-056 bargaining unit heading is added. The title and rate tables are added. The rate table is effective July 1, 2007.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 29, 2007
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this preemptory rulemaking in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 12) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.50	Amendment	30 Ill. Reg. 15240, 9/26/07
310.100	Amendment	30 Ill. Reg. 15240, 9/26/07
310.280	Amendment	30 Ill. Reg. 15240, 9/26/07
310.290	Amendment	30 Ill. Reg. 15240, 9/26/07
310.295	New Section	30 Ill. Reg. 15240, 9/26/07
310.410	Amendment	30 Ill. Reg. 15240, 9/26/07
310.490	Amendment	30 Ill. Reg. 15240, 9/26/07
310.500	Amendment	30 Ill. Reg. 15240, 9/26/07
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240, 9/26/07
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240, 9/26/07
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240, 9/26/07
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240, 9/26/07
310.APPENDIX B	Amendment	30 Ill. Reg. 15240, 9/26/07
310.290	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504, 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504, 10/20/06
310.45	Amendment	31 Ill. Reg. 9660, 7/13/07
310.50	Amendment	31 Ill. Reg. 9660, 7/13/07

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310.80	Amendment	31 Ill. Reg. 9660, 7/13/07
310.90	Amendment	31 Ill. Reg. 9660, 7/13/07
310.100	Amendment	31 Ill. Reg. 9660, 7/13/07
310.410	Amendment	31 Ill. Reg. 9660, 7/13/07
310.450	Amendment	31 Ill. Reg. 9660, 7/13/07
310.460	Amendment	31 Ill. Reg. 9660, 7/13/07
310.470	Amendment	31 Ill. Reg. 9660, 7/13/07
310.480	Amendment	31 Ill. Reg. 9660, 7/13/07
310.490	Amendment	31 Ill. Reg. 9660, 7/13/07
310.495	Amendment	31 Ill. Reg. 9660, 7/13/07
310.500	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 9660, 7/13/07
310.APPENDIX A TABLE A	Amendment	31 Ill. Reg. 12384, 8/31/07

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

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

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

The full text of the Preemptory 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
310.47	In-Hiring Rate
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

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310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	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 and Bonuses
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 and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Sergeants, Laborers' - ISEA Local #2002)
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)
310.TABLE C	<u>RC-056 (Site Superintendents and Natural Resource, Historic</u>

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Preservation and Agriculture Managers, IFPE)~~RC-069 (Firefighters, AFSCME) (Repealed)~~

310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
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].

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

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 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

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16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective 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;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

peremptory 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; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)~~RC-069 (Firefighters, AFSCME)~~  
(Repealed)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
<u>Agricultural Executive</u>	<u>00800</u>	<u>RC-056</u>	<u>20</u>
<u>Agricultural Land and Water Resources Supervisor</u>	<u>00811</u>	<u>RC-056</u>	<u>21</u>
<u>Natural Resources Education Program Coordinator</u>	<u>28834</u>	<u>RC-056</u>	<u>20</u>
<u>Natural Resources Grant Coordinator</u>	<u>28835</u>	<u>RC-056</u>	<u>19</u>
<u>Natural Resources Manager I</u>	<u>28836</u>	<u>RC-056</u>	<u>20</u>
<u>Natural Resources Manager II</u>	<u>28837</u>	<u>RC-056</u>	<u>22</u>
<u>Natural Resources Manager III</u>	<u>28838</u>	<u>RC-056</u>	<u>24</u>
<u>Natural Resources Site Manager I</u>	<u>28841</u>	<u>RC-056</u>	<u>20</u>
<u>Natural Resources Site Manager II</u>	<u>28842</u>	<u>RC-056</u>	<u>22</u>
<u>Plant and Pesticide Specialist Supervisor</u>	<u>32505</u>	<u>RC-056</u>	<u>19</u>
<u>Site Superintendent I</u>	<u>41211</u>	<u>RC-056</u>	<u>19</u>
<u>Site Superintendent II</u>	<u>41212</u>	<u>RC-056</u>	<u>21</u>
<u>Site Superintendent III</u>	<u>41213</u>	<u>RC-056</u>	<u>23</u>
<u>Veterinary Consumer Safety Officer</u>	<u>47911</u>	<u>RC-056</u>	<u>19</u>
<u>Veterinary Pathologist</u>	<u>47915</u>	<u>RC-056</u>	<u>23</u>
<u>Veterinary Supervisor I</u>	<u>47917</u>	<u>RC-056</u>	<u>21</u>
<u>Veterinary Supervisor II</u>	<u>47918</u>	<u>RC-056</u>	<u>22</u>
<u>Warehouse Examiner Supervisor</u>	<u>48785</u>	<u>RC-056</u>	<u>19</u>

**Effective July 1, 2007**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>19</u>	<u>B</u>	<u>4273</u>	<u>4475</u>	<u>4683</u>	<u>4880</u>	<u>5083</u>	<u>5392</u>	<u>5497</u>	<u>5717</u>
<u>20</u>	<u>B</u>	<u>4513</u>	<u>4723</u>	<u>4924</u>	<u>5163</u>	<u>5377</u>	<u>5703</u>	<u>5816</u>	<u>6049</u>
<u>21</u>	<u>B</u>	<u>4770</u>	<u>5000</u>	<u>5233</u>	<u>5472</u>	<u>5700</u>	<u>6055</u>	<u>6176</u>	<u>6423</u>
<u>22</u>	<u>B</u>	<u>5046</u>	<u>5292</u>	<u>5542</u>	<u>5799</u>	<u>6040</u>	<u>6416</u>	<u>6544</u>	<u>6806</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>23</u>	<u>B</u>	<u>5356</u>	<u>5631</u>	<u>5899</u>	<u>6171</u>	<u>6439</u>	<u>6843</u>	<u>6979</u>	<u>7258</u>
<u>24</u>	<u>B</u>	<u>5529</u>	<u>5816</u>	<u>6094</u>	<u>6375</u>	<u>6658</u>	<u>7057</u>	<u>7217</u>	<u>7505</u>

(Source: Old Table C repealed by peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; new Table C added by peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Selection of Construction Managers
- 2) Code Citation: 44 Ill. Adm. Code 1025
- 3) The Notice of Adopted Rule being corrected appeared at: 31 Ill. Reg. 12197, dated August 17, 2007.
- 4) The Information being corrected is as follows: In #11 on the Notice Page, the difference between the rule text as proposed and the adopted rule text is explained. CDB inadvertently misstated the text change for Section 1025.180(d). CDB's website was entered on the notice page, but the website is not included in the text.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## POLLUTION CONTROL BOARD

- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3) Register citation of proposed rulemaking and other pertinent action: August 3, 2007; 31 Ill. Reg. 11112
- 4) Explanation: In Section 811.320(b)(3), in a portion of unamended text, the chemical "Chromium (hexavalent)" was mistakenly deleted from the chemical column and the concentration for Vinyl Chloride was omitted from the concentration column, thus making the remaining concentrations in the list incorrectly alined with their corresponding chemical. JCAR regrets this inadvertent error. The corrected list appears as follows:

Chemical	Concentration (mg/l)
Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	0.01
Carbon tetrachloride	0.005
Chromium (hexavalent)	0.05
2,4-Dichlorophenoxy acetic acid	0.1
1,4-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
Endrin	0.0002
Fluoride	4
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1
Nitrate	10
Selenium	0.01
Silver	0.05
Toxaphene	0.005
1,1,1-Trichloromethane	0.2

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

POLLUTION CONTROL BOARD

Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl Chloride	0.002

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Enforcement

Code Citation: 89 Ill Adm. Code 383

<u>Section Numbers:</u>	383.10	383.30	383.55	383.100	383.125	383.150
	383.15	383.35	383.60	383.105	383.130	383.155
	383.17	383.40	383.85	383.110	383.135	383.160
	383.20	383.45	383.90	383.115	383.140	383.165
	383.25	383.50	383.95	383.120	383.145	Appendix A

Date Originally Published in the Illinois Register: 3/23/07  
31 Ill. Reg. 4511

At its meeting on 8/14/07, with respect to the rulemaking titled Licensing Enforcement (89 Ill. Adm. Code 383; 31 Ill. Reg. 4511), JCAR objected to the Department of Children and Family Services conducting the twice per year on-site monitoring visits of foster family homes since 7/1/06 as policy not yet adopted in rule. This is a violation of Section 5-10(c) of the Illinois Administrative Procedure Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

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 September 4, 2007 through September 10, 2007 and have been scheduled for review by the Committee at its October 10, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/18/07	<u>Department of Financial and Professional Regulation – Division of Professional Regulation, Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500)</u>	7/6/07 31 Ill. Reg. 9356	10/10/07
10/18/07	<u>Department of Financial and Professional Regulation – Division of Professional Regulation, Certified Veterinary Technicians (68 Ill. Adm. Code 1505)</u>	7/6/07 31 Ill. Reg. 9381	10/10/07
10/19/07	<u>Department of Natural Resources, Special White-Tailed Deer Season For Disease Control (17 Ill. Adm. Code 675)</u>	7/6/07 31 Ill. Reg. 9415	10/10/07
10/20/07	<u>Department of Financial and Professional Regulation – Division of Financial Institutions, Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill. Adm. Code 130)</u>	6/29/07 31 Ill. Reg. 8891	10/10/07
10/24/07	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	7/13/07 31 Ill. Reg. 9733	10/10/07

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 38 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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