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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.720 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: On June 21, 2012, the Illinois State Board of Education adopted a policy to allow candidates for entry into educator preparation programs and applicants for Illinois educator licenses to use a minimum composite score received on the ACT[®] in lieu of passing the Illinois test of basic skills (i.e., Test of Academic Proficiency). Additionally, staff was asked to also include consideration of the SAT[®], another college entrance exam taken by students considering enrolling in educator preparation programs, in addition to the ACT[®]. In order to allow candidates and applicants currently applying for programs and licenses to choose this alternative method, these options must be placed in administrative rules.

Section 21B-30 of the School Code requires that each candidate for entry into an educator preparation program or applicant for an educator license provide evidence of passing a test of basic skills. The Illinois State Board of Education identifies the test to be used to assess basic skills, as well as establishes the minimum scores a candidate or applicant must achieve in order to pass the test. In April, following a standard score-setting process, an outside panel recommended the cut scores to be used on the basic skills test, or Test of Academic Proficiency, and presented those scores to the State Educator Preparation and Licensure Board and the State Board of Education for their adoption.

This rulemaking responds to concerns expressed by representatives of institutions of higher education that a portion of candidates for educator preparation programs are unable to garner a passing score on all components (i.e., reading, language arts, mathematics and writing) of Illinois' test of basic skills, based on the new cut scores adopted by the State Board of Education. As a result, the Board supported an alternative method of showing competency in basic skills by accepting a score on either the ACT[®] or SAT[®] that is considered to be "college ready". The candidate or applicant may use only a composite score from an ACT[®] or SAT[®] test that included a writing component. As with the test of basic skills, no score on the ACT[®] or SAT[®] may be more than five years old at the time it is used for program admission or when applying for an educator license. The minimum score for either the ACT[®] or SAT[®] that will be accepted as "college ready" has been posted on the State Board's website, and any modifications to those scores will be

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

posted no later than January 1 of the year in which the minimum composite score takes effect.

Providing a second option for admission into educator preparation programs has the potential to benefit a large number of candidates, especially those who have been unable to pass a particular component, or subtest (i.e., reading, language arts, mathematics and writing), of Illinois' test of basic skills. Additionally, high school students entering postsecondary programs could use their ACT[®] or SAT[®] score, if it is at or above the minimum, for admission to an educator preparation program rather than having to take the basic skills test at a cost of \$125. Students from Illinois public high schools have taken the ACT[®] test as part of the State assessment, so it is likely that no further testing would be needed for these students.

Finally, the proposed amendment allows an institution to provisionally admit a candidate who has taken the basic skills test but has not passed all four subtests, when the institution provides the candidate with the supports and remediation needed to pass the subtest and the candidate is fully admitted at least one full semester before he or she begins student teaching.

- 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? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: Adoption of a Board policy accepting optional methods for providing evidence of basic skills was not anticipated.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section
25.10 Accredited Institution

SUBPART B: CERTIFICATES

Section
25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates (Repealed)
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for "Full" Certification
25.30 Endorsement in Teacher Leadership (Through December 31, 2012)
25.32 Teacher Leader Endorsement (Beginning September 1, 2012)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Certificates (2004)
25.40 Requirements for the Special Certificate (Repealed)
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired
25.46 Special Provisions for the Learning Behavior Specialist I Endorsement
25.47 Special Provisions for the Learning Behavior Specialist I Approval
25.48 Short-Term Emergency Certification in Special Education
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 Provisional Vocational Certificate
25.72 Temporary Provisional Vocational Certificate

STATE BOARD OF EDUCATION

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- 25.75 Part-time Provisional Certificates
- 25.80 Requirements for the Early Childhood Certificate (Repealed)
- 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
- 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates (Repealed)
- 25.100 Endorsing Teaching Certificates (2004)
- 25.105 Temporary Substitute Teaching Permit

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL
EDUCATORS IN THE STATE OF ILLINOIS

- | | |
|---------|--|
| Section | |
| 25.110 | System of Approval: Levels of Approval (Repealed) |
| 25.115 | Recognition of Institutions and Educational Units, and Approval of Programs |
| 25.120 | Standards and Criteria for Institutional Recognition and Program Approval (Repealed) |
| 25.125 | Accreditation Review of the Educational Unit (Repealed) |
| 25.127 | Review of Individual Programs (Repealed) |
| 25.130 | Interventions by the State Board of Education and State Educator Preparation and Licensure Board |
| 25.135 | Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed) |
| 25.136 | Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed) |
| 25.137 | Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed) |
| 25.140 | Requirements for the Institution's Educational Unit Assessment Systems |
| 25.142 | Assessment Requirements for Individual Programs |
| 25.145 | Approval of New Programs Within Recognized Institutions |
| 25.147 | Approval of Programs for Foreign Language Beginning July 1, 2003 |
| 25.150 | The Periodic Review Process (Repealed) |
| 25.155 | Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit |

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.200 Relationship Among Credentials in Subpart D
25.210 Requirements for the Certification of School Social Workers (Repealed)
25.215 Certification of School Social Workers (2004)
25.220 Requirements for the Certification of Guidance Personnel (Repealed)
25.225 Certification of School Counselors (2004)
25.227 Interim Certification of School Counselor Interns (2004)
25.230 Requirements for the Certification of School Psychologists (Repealed)
25.235 Certification of School Psychologists (2004)
25.240 Standard for School Nurse Endorsement (Repealed)
25.245 Certification of School Nurses (2004)
25.250 Standards for Non-Teaching Speech-Language Pathologists
25.252 Certification of Non-Teaching Speech-Language Pathologists
25.255 Interim Certification of Speech-Language Pathologist Interns
25.275 Renewal of the School Service Personnel Certificate

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY STAFF

Section

- 25.300 Relationship Among Credentials in Subpart E
25.310 Definitions (Repealed)
25.311 Administrative Certificate (Repealed)
25.313 Alternative Route to Administrative Certification (Through August 31, 2013)
25.314 Alternative Route to Administrative Certification for Teacher Leaders
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement (Repealed)
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement (Repealed)
25.335 General Administrative Endorsement (Through June 30, 2014)
25.337 Principal Endorsement (2012)
25.338 Designation as Master Principal (Repealed)
25.344 Chief School Business Official Endorsement (Repealed)
25.345 Chief School Business Official (2004)

STATE BOARD OF EDUCATION

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- 25.355 Superintendent Endorsement (Repealed)
- 25.360 Superintendent (2004)
- 25.365 Director of Special Education

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- 25.400 Registration of Certificates; Fees
- 25.405 Military Service
- 25.410 Revoked Certificates
- 25.415 Credit in Junior College (Repealed)
- 25.420 Psychology Accepted as Professional Education (Repealed)
- 25.425 Individuals Prepared in Out-of-State Institutions
- 25.427 One-Year Limitation
- 25.430 Institutional Approval (Repealed)
- 25.435 School Service Personnel Certificate – Waiver of Evaluations (Repealed)
- 25.437 Equivalency of General Education Requirements (Repealed)
- 25.440 Master of Arts NCATE (Repealed)
- 25.442 Illinois Teacher Corps Programs (Through August 31, 2013)
- 25.444 Illinois Teaching Excellence Program
- 25.445 College Credit for High School Mathematics and Language Courses (Repealed)
- 25.450 Lapsed Certificates
- 25.455 Substitute Certificates (Repealed)
- 25.460 Provisional Special and Provisional High School Certificates (Repealed)
- 25.464 Short-Term Authorization for Positions Otherwise Unfilled
- 25.465 Credit (Repealed)
- 25.470 Meaning of Experience on Administrative Certificates (Repealed)
- 25.475 Renewal Requirements for Holders of Multiple Types of Certificates
- 25.480 Credit for Certification Purposes (Repealed)
- 25.485 Certification of Persons with Certificates Previously Denied, Suspended, or Revoked
- 25.486 Certification of Persons Who Are Delinquent in the Payment of Child Support
- 25.487 Certification of Persons with Illinois Tax Noncompliance
- 25.488 Certification of Persons Named in Reports of Child Abuse or Neglect
- 25.489 Certification of Persons Who Are in Default on Student Loans
- 25.490 Certification of Persons Who Have Been Convicted of a Crime
- 25.493 Part-Time Teaching Interns (Repealed)
- 25.495 Approval of Out-of-State Institutions and Programs (Repealed)
- 25.497 Supervisory Endorsements

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SUBPART G: PARAPROFESSIONALS AND
OTHER NONCERTIFICATED PERSONNEL

Section

- 25.510 Paraprofessionals; Teacher Aides
- 25.520 Other Noncertificated Personnel (Repealed)
- 25.530 Specialized Instruction by Noncertificated Personnel (Repealed)
- 25.540 Approved Teacher Aide Programs (Repealed)
- 25.550 Approval of Educational Interpreters

SUBPART H: CLINICAL EXPERIENCES

Section

- 25.610 Definitions
- 25.620 Student Teaching
- 25.630 Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

- 25.705 Purpose – Severability
- 25.710 Definitions
- 25.715 Test Validation
- 25.717 Test Equivalence
- 25.720 Applicability of Testing Requirement and Scores
- 25.725 Applicability of Scores (Repealed)
- 25.728 Use of Test Results by Institutions of Higher Education
- 25.730 Registration – Paper-and-Pencil Testing
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- 25.732 Late Registration
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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SUBPART J: RENEWAL OF STANDARD AND MASTER TEACHING CERTIFICATES

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25.805	Continuing Professional Development Options
25.807	Additional Specifications Related to Professional Development Activities of Special Education Teachers
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25.825	Progress Toward Completion (Repealed)
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Educator Preparation and Licensure Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
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25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs) (Repealed)
25.872	Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses (Repealed)

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

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25.905	Choices Available to Holders of Initial Certificates
25.910	Requirements for Induction and Mentoring
25.915	Requirements for Coursework on the Assessment of One's Own Performance
25.920	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 25.925 Requirements Related to Advanced Degrees and Related Coursework
- 25.930 Requirements for Continuing Professional Development Units (CPDUs)
- 25.935 Additional Activities for Which CPDUs May Be Earned
- 25.940 Examination
- 25.942 Requirements for Additional Options
- 25.945 Procedural Requirements

- 25.APPENDIX A Statistical Test Equating – Certification Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000
- 25.APPENDIX C Exchange of Certificates
- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Articles 21 and 21B and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, Art. 21B, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; preemptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. _____, effective _____.

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement and Scores

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- b) Basic Skills Test ~~(Test of Academic Proficiency)~~
 Except as provided in subsections (b)(1) and (2) of this Section, each candidate seeking an Illinois ~~certificate (teaching, administrative, or school service personnel) or~~ license (professional educator license or educator license with stipulations), whether it is his or her first ~~certificate or~~ license or a subsequent ~~certificate or~~ license, shall be required to pass ~~the~~ test of basic skills authorized under Section 21B-30 of the School Code [105 ILCS 5/21B-30]. Further, Section 21B-30(c) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) A person who has passed the Illinois test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.
- 2) A person who has passed the Illinois test of basic skills ~~test~~ and has been issued an Illinois ~~certificate or~~ license on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent endorsements or other educator licenses.
- 3) A person who has passed another state's test of basic skills as a condition of ~~licensure~~~~certification~~ or admission to a teacher preparation program shall be required to take the Illinois basic skills test before receiving a ~~certificate or~~ license. (See Section 21B-35 of the School Code.)
- 4) The Illinois test of basic skills ~~test~~ will be administered as four separate subtests: reading comprehension, language arts, mathematics, and writing.
 - A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.
 - B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.
 - C) Each test administration of the Illinois test of basic skills ~~test~~ in which an examinee participates shall count toward the testing limit established under subsection (i) of this Section, regardless of the number of subtests the examinee includes as part of that particular test administration.
- 5) In lieu of passing the Illinois test of basic skills, a candidate seeking admission to an Illinois educator preparation program or applicant for an educator license may submit for consideration his or her composite score from either the ACT® or the SAT®.
 - A) The State Superintendent shall determine and post on the State Board's website no later than August 1, 2012 the minimum composite score on each test that will be accepted under this subsection (b)(5). Should either of the minimum scores be modified, the State Superintendent shall inform educator

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- preparation programs no later than January 1 of the score to be used and shall modify the State Board's website accordingly.
- B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT® or SAT® results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT® or the College Board to send an official score report of his or her composite score to the address provided on the application form.
- C) A composite score meeting the minimum shall be accepted only if the ACT® or the SAT® that the candidate or applicant completed included a writing component or subtest for which a score is provided.
- D) ACT® or SAT® results are subject to the requirements of subsection (f) of this Section.
- E) ACT® or SAT® results are subject to the requirements of subsection (i) of this Section only to the extent that an individual who has failed the Illinois test of basic skills five times shall not rely upon achievement of the minimum composite score on the ACT® or SAT® to be admitted to the educator preparation program or to receive an educator license.
- 6) An educator preparation program may provisionally admit a candidate who is unable to pass each of the four subtests of Illinois' test of basic skills, provided the following conditions are met:
- 1) the candidate has taken Illinois' test of basic skills and has passed at least one of the four subtests of reading comprehension, language arts, mathematics, and writing; and
 - 2) the educator preparation program provides supports and remediation designed to assist the candidate in passing the remaining subtests; and
 - 3) the candidate is fully admitted into the educator preparation program at least one semester before he or she is scheduled to begin student teaching.

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c) Content-Area Tests

- 1) Each candidate seeking an Illinois ~~certificate~~ or professional educator license or endorsement on that license, whether his or her first ~~certificate~~ ~~or license~~ or endorsement or a subsequent ~~certificate or license~~ or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the School Code; also see Section 25.710 of this Part). Further, Section 21B-30(d) of the School Code requires passage of this test before a candidate begins student teaching or an internship or residency required for licensure, or begins serving as a teacher of record. No waivers or exemptions are available.
- 2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the School Code, in order to qualify for a transitional bilingual certificate or an educator license with stipulations endorsed for transitional bilingual educator education, and received that ~~certificate or~~ license shall not be required to retake that test in order to qualify for a bilingual education credential on another ~~certificate or~~ professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

d) Assessment of Professional Teaching (APT)

In order to complete an educator preparation program, each candidate seeking his or her first Illinois ~~professional educator~~ ~~early childhood, elementary, secondary, or special certificate or a~~ license endorsed in a teaching field shall be required to pass the APT relevant to the ~~certificate or~~ endorsement sought (see Section 25.710 of this Part). A candidate seeking a subsequent ~~teaching certificate or~~ endorsement on a professional educator license ~~of one of these types~~ must also pass the APT relevant to the ~~certificate or~~ endorsement sought, unless he or she either:

- 1) has already passed an APT that encompasses the grade levels of the subsequent ~~certificate or~~ endorsement sought; or
- 2) already holds another Illinois professional educator ~~teaching certificate or a~~ license endorsed in a teaching field that encompasses the grade levels of the ~~certificate or~~ endorsement sought.

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- e) Teacher Performance Assessment (TPA)
Beginning September 1, 2015, each candidate completing a teacher preparation program shall be required to pass the TPA (see Section 21B-30(f) of the School Code).
- 1) Each recognized institution offering approved teacher preparation programs shall administer the TPA during a candidate's student teaching experience.
 - 2) No later than July 1, 2013, each recognized institution offering an approved teacher preparation program shall begin using the TPA with at least some of its students; however, before September 1, 2015, an institution shall not require passage of the TPA as a condition for program completion for students participating in any limited implementation required under this subsection (e)(2) unless the institution requires that all candidates pass the assessment.
- f) Except as provided in subsections (b)(1), (b)(2), (c)(2), and (d)(1) of this Section, for each person seeking an Illinois ~~certificate or~~ license, no passing score on a content area test or the APT may be more than five years old at the time application is made. (See Section 21B-30 of the School Code.) The five-year period shall be calculated from the date the test was taken to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.
- 1) The five-year period discussed in this subsection (f) shall apply to each score that forms part of an application received on or after July 1, 2012.
 - 2) The five-year period discussed in this subsection (f) shall also apply to each score that forms part of an application that is pending as of June 30, 2012, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427 of this Part.
- g) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (i) of this Section, an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in

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paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.

- h) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (i) of this Section, an individual who has taken a computer-based test may retake that test by computer after no fewer than 60 days but also may retake that test during any subsequent, regularly scheduled administration of the test in paper-and-pencil format.
- i) Subsequent to January 12, 2010, no individual may attempt to pass the same test more than five times in any combination of the two formats (i.e., computer-based test or paper-and-pencil format). A score that is voided or cancelled under Section 25.755 of this Part shall be counted toward this five-time limit.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3) Section Number: 75.260 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.80, 2-3.80a and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: Starting in the FY2013 grant cycle, staff in the Career and Technical Education Division will begin using the agency's Electronic Grant Management System (eGMS) to process grant applications for the Incentive Grants for Secondary Agricultural Education program, necessitating a change in the reporting process for these grants. The eGMS is a self-contained secure system used to submit grant applications, modify budgets and sign certifications and assurances forms required for receipt of a grant. Agency staff also access the system when rating applications and making grant awards. The primary goal of submitting grants through eGMS is to reduce grant preparation time for school districts and other eligible applicants, improve data quality and communications, standardize agency grant applications, and improve the efficiency of the grant review and approval processes.
- 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 create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

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: Recipients of grants will be required to provide both narrative program reports and expenditure reports.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION

Section

- 75.10 Purpose and Applicability
- 75.20 Eligible Applicants
- 75.30 Application Procedure
- 75.40 Program Specifications; Allowable Expenditures
- 75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section

- 75.200 Purpose and Applicability
- 75.210 Eligible Applicants
- 75.220 Program Goals and Minimum Standards
- 75.230 Quality Indicators
- 75.240 Determination of Individual Grant Allocations
- 75.250 Application Procedure
- 75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section

- 75.300 Purpose and Eligible Applicants
- 75.310 Program Goals and Minimum Standards
- 75.320 Quality Indicators
- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure
- 75.350 Terms of the Grant

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SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section

75.400	Purpose and Objectives
75.410	Eligible Applicants
75.420	Application Procedure for Initial Proposals
75.430	Criteria for the Review of Initial Proposals; Allocation of Funds
75.435	Application Content and Approval for Continuation Programs
75.440	Terms of the Grant

AUTHORITY: Implementing Sections 2-3.80 and 2-3.80a of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80, 2-3.80a and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section 75.260 Terms of the Grant

- a) The grantee shall maintain on file documentation specific to its achievement of each quality indicator set forth on the application for funding; the documentation shall be made available for programmatic review and auditing purposes. Up to 10 percent of grantees receiving funding under this Subpart B in each fiscal year may be selected for an on-site review and/or audit.
- b) In the event that the grantee closes its agricultural education department, all instructional materials, tools and equipment purchased with funds provided under this Subpart B shall be relocated by the grantee's Education for Employment Regional Delivery System to other agricultural education programs located in that system upon approval of the State Superintendent of Education or designee.
- c) No subcontracting will be allowed without the prior written approval of the State Superintendent of Education.
- d) Reporting 1) Each grantee shall complete electronically a final performance report that summarizes the grant activities completed during the term of the grant and the accomplishments achieved. The report shall be completed submit to the State

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~~Board of Education's Division of Career and Technical Education, no later than 9020 days after the end of the grant period. Funding in any subsequent grant period shall not be approved until the performance report is received, a final budget; this document will serve as the grantee's final report for the year.~~

~~2) Prior to the final reporting deadline specified in subsection (d)(1) of this Section, each grantee shall submit to its Education for Employment Regional Delivery System director documentation of expenditures and/or information regarding the activities provided with funds awarded under this Subpart B.~~

- e) A grantee that employs any teacher who holds a temporary provisional vocational certificate shall ensure that the teacher submits documentation to the State Board of Education of his or her completion during the grant year of the coursework that is required under 23 Ill. Adm. Code 25.72 (Temporary Provisional Vocational Certificate).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Calculation of Excess Cost under Section 18-3 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.30	Amendment
140.40	Amendment
- 4) Statutory Authority: 105 ILCS 5/18-3
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Administrative Procedure Act authorizes the Joint Committee on Administrative Rules (JCAR) to conduct periodic reviews of the rules of State agencies and to suggest rulemaking when it finds that any agency's rules are "incomplete, inconsistent, or otherwise deficient". As a result of such a review, JCAR has asked the agency to make two technical changes in Part 140.
- 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 create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

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 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER c: FINANCE

PART 140

CALCULATION OF EXCESS COST UNDER SECTION 18-3 OF THE SCHOOL CODE

Section

140.10	Purpose and Applicability
140.20	Allowable Costs
140.30	Requirements for Submission of Claims
140.40	Calculation of Reimbursement

AUTHORITY: Implementing and authorized by Section 18-3 of the School Code [105 ILCS 5/18-3].

SOURCE: Adopted at 23 Ill. Reg. 7882, effective July 1, 1999; amended at 25 Ill. Reg. 14122, effective October 22, 2001; amended at 26 Ill. Reg. 8100, effective May 20, 2002; amended at 33 Ill. Reg. 9418, effective June 22, 2009; amended at 36 Ill. Reg. _____, effective _____.

Section 140.30 Requirements for Submission of Claims

Each school district shall certify to the State Superintendent of Education, using a format specified by the State Superintendent, its report of claims for tuition payments no later than July 15. ([Section 18-3 of the School Code](#)) Claims shall reflect the costs incurred by the school district for the regular school term.

- a) When a district files a claim for excess costs relative to individual students who are served in an off-site program, the claim must include:
 - 1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code that includes:
 - A) The name and address of the off-site program;
 - B) The total number of students who received any services in the regular program;

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- C) The total days of attendance of all the students claimed;
 - D) The total number of days for which the program was in session;
 - E) The amount of instruction time offered daily;
 - F) The name, certificate number, and assignment of each professional staff member who served the students being claimed; and
 - G) A brief description of the curriculum and support services that are offered in the regular program;
- 2) a report of the expenditures incurred by the district for the regular off-site program described pursuant to subsection (a)(1) of this Section, on forms supplied by the State Superintendent of Education;
 - 3) the number of students in average daily attendance in the regular off-site program described in subsection (a)(1) of this Section during the term to which the claim applies;
 - 4) a record for each student with respect to whom excess cost is being claimed, indicating:
 - A) the student's name and date of birth,
 - B) the services provided to the student that are not included in or that exceed the level provided in the regular off-site program,
 - C) the amount, intensity, and/or frequency of the services,
 - D) the total hours of service provision, and
 - E) the total cost of the services.
- b) When a district files a claim for excess costs relative to students who are served in the district's on-site programs, the claim must include:
 - 1) a description of the services provided that exceed those otherwise provided to students served in the regular program within the attendance center in question, e.g., services not provided to the other students in that

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attendance center or services provided for more time than to other students within that attendance center; and

- 2) a record for each student containing the information specified in subsection (a)(4) of this Section.
- c) Each district shall submit any additional information the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 140.40 Calculation of Reimbursement

- a) The cost per student in average daily attendance ("~~ADA~~") in the regular off-site program provided to students pursuant to Section 18-3 of the School Code will be calculated by dividing the total cost of that program as reported under Section 140.30(a)(2) of this Part by the number of students in average daily attendance in the program.
- b) Reimbursable excess cost shall exist with respect to a given student only if the total costs attributable to that student exceed 120 percent of the district's per capita tuition charge. The total costs attributable to a student who is served in an off-site program consist of the cost per student in ADA in the program the student attends, derived from the information called for in Section ~~140.30(a)(1) through (3)~~ 140.30(a)(1) through (3) of this Part, plus any individual cost for that student. The total costs attributable to a student who is served in an on-site program consist of the district's per capita tuition charge plus any individual cost for that student. In other words:

$$\begin{aligned} &\text{Cost per student in ADA in the program or district's per capita} \\ &\text{tuition charge, as applicable} + \text{Individual cost for Student X} \\ &= \text{Subtotal} \end{aligned}$$

$$\text{Subtotal from above} - 120\% \text{ of district's per capita charge} = \text{Excess cost for Student X}$$

- c) If the remainder resulting from the calculation set forth in subsection (b) of this Section is a positive number, that number represents excess cost and shall be reimbursed. If the remainder is a negative number, the district's cost has been captured by the reimbursement at 120 percent of the per capita tuition charge

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provided under Section 18-3 of the School Code, and no reimbursable excess cost exists.

- d) The State Superintendent may decline to reimburse costs that are not adequately documented or are inappropriate to a particular student's placement.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10	General Site Regulations
510.20	Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. 12126, effective June 28, 2006; amended at 36 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

- a) Regulations
All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

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b) Definitions

- 1) Unauthorized person – any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
- 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 6) Adult – a person 18 years of age or older.
- 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
- 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
- 9) Publicly announced – The information referred to will be included on the

DEPARTMENT OF NATURAL RESOURCES

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Department's Internet Home Page at www.dnr.illinois.gov, ~~<http://dnr.state.il.us>~~, published in ~~Outdoor Illinois~~, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
 - 9) To hunt or trap without a valid permit where permits are required.

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- 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
 - 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site.
 - 12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.
- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within ~~15~~^{fifteen} minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) State sites that require restrictive hunter regulations like check stations and drawings for hunting opportunities may close hunts or modify hunting regulations in the event that flooding, severe weather, Department budget reductions, staff shortages or other adverse conditions interfere with hunt operations. These closures or modifications require the Director's written approval. Public notice shall be provided through a posting at the site and the Department's website and through a public news release in advance of the affected hunting season. These changes shall only be made to modify the process for allocating hunting opportunities and shall not be used to affect unrelated aspects of site specific hunting regulations.~~In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.~~

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- 4) Statewide regulations shall apply at sites where windshield permits are issued, except that hunters must obtain a free site permit online from the Department website. This permit must be displayed under the vehicle windshield, face up, with the permit number visible and the pocket portion in possession while hunting at the site. Hunters must report their annual harvest online (even if the hunter did not hunt) by February 15 or two weeks after the season closes for those seasons ending after February 1. Hunters could forfeit their hunting privileges at the site for the following year if they fail to report by the above deadline. At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the amendment was not known when the most recent Regulatory Agenda was drafted.

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

2030.10	General Regulations
2030.15	Designation of Restricted Waters by the Department of Natural Resources
2030.20	Region I – Designated Restricted Boating Areas
2030.30	Region II – Designated Restricted Boating Areas
2030.40	Region III – Designated Restricted Boating Areas
2030.50	Region IV – Designated Restricted Boating Areas
2030.60	Region V – Designated Restricted Boating Areas
2030.70	Riverboat Gambling Casinos – Designated Restricted Boating Areas
2030.80	Hazardous Navigation Conditions – Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. 6822, effective May 20, 1999; amended at 27 Ill. Reg. 8871, effective May 19, 2003; amended at 29 Ill. Reg. 15550, effective September 27, 2005; amended at 30 Ill. Reg. 11576, effective June 23, 2006; emergency amendment at 31 Ill. Reg. 8348, effective May 25, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14522, effective October 5, 2007; amended at 34 Ill. Reg.

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7720, effective May 20, 2010; amended at 36 Ill. Reg. 5565, effective March 22, 2012; amended at 36 Ill. Reg. _____, effective _____.

Section 2030.30 Region II – Designated Restricted Boating Areas

- a) The following portions of the Calumet and Little Calumet Rivers are designated as Slow, No Wake areas:
 - 1) An area from the O'Brien Locks to the Michigan Central Railroad Bridge (approximately mile 326.5 to 325.3).
 - 2) An area around the Pier 11 Marina and the Lake Calumet Boat and Gun Club (approximately mile 323.2 to 323.1).
 - 3) An area around the Maryland Manor Boat Club, Skipper's Marina, and Rentner Marina (approximately mile 323.0 to 322.5).
 - 4) An Area around Triplex Marina (approximately mile 319.9 to 319.8).
- b) The following portions of the Des Plaines River are designated as Slow, No Wake areas:
 - 1) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7), extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.
 - 2) An area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.
 - 3) An area around Harborside Marina, Wilmington, Illinois (approximately mile 273.8), extending 500 feet both upstream and downstream of the Marina.
- c) The following portion of the Fox River is designated as a Slow, No Wake area:

An area within 150 feet upstream and downstream of the I-90 bridge.
- d) The following portions of Lake Michigan are designated as No Boat areas:
 - 1) An area at North Point Marina, located off the northern breakwater,

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running the length of the beach parallel to the shoreline and 100 yards out into the lake.

- 2) An area at Illinois Beach State Park, located between the park office and the #3 bathhouse, running parallel to the shoreline and 70 yards out into the lake.
- e) It shall be unlawful to operate any watercraft with a motor larger than 10 horsepower on the waters of Griswold Lake in McHenry County.
 - f) The following portions of the Kankakee River shall be designated as Slow, No Wake areas:
 - 1) An area 100 yards upstream and 100 yards downstream from the River Isle hairpin curve that is approximately midway between Momence, Illinois and the Indiana border.
 - 2) An area 100 yards upstream and 100 yards downstream of the hairpin curve created by the east side of Rudecki Island, which is approximately one mile west of River Isle.
 - g) Fox River-Chain O'Lakes (Lake and McHenry Counties)
User Permit Sticker regulations of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with those regulations constitutes a violation of this Section.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3) Section Number: 1003.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendment will allow refunds to be given for title applications that are received through an Electronic Registration and Title (ERT) program if the Secretary of State has not processed the title application.

There are instances when vehicle purchases are not completed even though the dealership has submitted title application to the Secretary of State's office. An example of this would be when the purchaser fails to obtain financing after taking possession of the vehicle. Since the dealership will take possession of the vehicle in those instances, it is proper that our office does not title the vehicle in the name of the purchaser and provides a refund of the title application fee. A refund will not be given if the Secretary of State has already processed the title application in the name of the purchaser.

The proposed amendment also updates the language of the rule by no longer requiring a notarized statement for a refund and would not require the return of license plates but rather the sticker for a refund.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments 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

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- 11) Statement of Statewide Policy Objective: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Text of the proposed amendment is posted on Secretary of State's website, www.sos.state.il.us/departments/index/home, as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Cynthia Grant
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756

cgrant@ilsos.net
Telephone: 217/785-3094

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment will not impact small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business who is an ERT service provider
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1003
COLLECTION OF FEES

Section	
1003.10	Definitions
1003.20	Collection and Refund
1003.30	Collection of All Motor Vehicle Fees
1003.40	Audits for Truck License Fees
1003.50	Use of State Comptroller's Offset Authority
1003.60	Bankruptcy Discharge of Fees
1003.70	Invalidity

AUTHORITY: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title & Registration Law [625 ILCS 5/2-124, 3-824, 2-101 and 2-104].

SOURCE: Adopted at 12 Ill. Reg. 14719, effective September 15, 1988; amended at 13 Ill. Reg. 7048, effective May 1, 1989; amended at 29 Ill. Reg. 1966, effective January 20, 2005; amended at 34 Ill. Reg. 10199, effective June 29, 2010; amended at 36 Ill. Reg. _____, effective _____.

Section 1003.20 Collection and Refund

- a) The refund of registrant fees paid to the Secretary of State shall occur if the registration is cancelled, or a duplicate registration occurred or excess fees were paid.
- b) If cancelled registration meets any of the following criteria, a refund will be paid by the Secretary of State if the registration plate or sticker was not used on the vehicle, and is returned to the Secretary. ~~If and if~~ the cancelled registration does not meet these criteria, then a refund will be denied.
 - 1) If the registrant is moving out of Illinois, a refund request or letter stating that fact is required prior to refund actions being initiated.
 - 2) If the registrant's vehicle was stolen and not recovered, a notarized

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statement from the applicant is required stating the date the vehicle was stolen.

- 3) If the registrant sells the vehicle and the unused registration is returned after the display date, a ~~notarized~~ statement concerning the last operation date of the vehicle is required.
 - 4) If the registered vehicle is damaged or inoperable, ~~the plates must be returned with~~ a ~~notarized~~ statement concerning the last operation date of the vehicle is required. This applies to requests on refunds applied for after the display date.
 - 5) If the registered vehicle will be stored and not operated for the entire registration year, a ~~notarized~~ statement is required, along with the return of the ~~plates and~~ sticker.
 - 6) If the registrant has died, then the executor or administrator of the estate must sign a statement and attach a copy of the death certificate, surrender the plates or the registration sticker, and ~~comply with~~ must adhere to Section 3-824(c) of the Illinois Vehicle Code [625 ILCS 5/3-824(c)] ~~Title and Registration Law (Ill. Rev. Stat. 1987, ch. 111½, par. 3-824(e))~~.
- c) If a registration is a duplicate, then to obtain a refund, the ~~duplicate set of plates or~~ duplicate sticker must be returned, with the registration and a photocopy of the retained registration. A written request for a refund must also be submitted.
 - d) If an excess fee is paid and a refund sought, the registrant must request the refund in writing within 6 months ~~afterof~~ the date of payment.
 - e) Applicable to all requests for refund are the requirements that:
 - 1) The vehicle the refund is requested upon must have been registered in a prior registration year by the same owner.
 - 2) For plates returned after the display date, the applicant must submit a ~~notarized~~ statement indicating the last operation date of the vehicle.
 - 3) Proof of payment must be submitted (cash receipts, cash tickets, a photocopy of the cancelled checks, if the Secretary of State records do not

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show payment was made).

- 4) After the registrant has applied for the registration plates or sticker, no refund can be requested or paid until after the registrant receives the plates or sticker.
- 5) Refunds will not be granted for replacement plates unless the applicant specifically requests the same registration plate number. If the same number is not requested, the refund will be withheld to cover the costs of the transaction.
- f) Refunds will not be granted for any title-related transaction, unless a title application has not been processed by the Secretary of State.
- g) All requests for refunds must be submitted in writing to the Department of Accounting Revenue, Refund Division, Room 222, Howlett 235, Centennial Building, Springfield, Illinois 62756.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1010.245	Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3) and authorized by Section 2-104(b) of the Illinois Vehicle Code
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendment will require franchised vehicle dealers to utilize the Electronic Registration and Titling (ERT) Program to submit title and registration documents to the Secretary of State's Office. The rule also increases permits refunds to be given for title applications that are received through an ERT program if the Secretary of State has not processed the application.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments 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 Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1010.426	Amendment	36 Ill. Reg. 7520; May 18, 2012
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Text of the proposed amendment is posted on Secretary of State's website, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Cynthia Grant
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756

cgrant@ilsos.net
217/785-3094

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment will not impact small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business who is an ERT service provider
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 15) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State

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- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any
Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards
and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the
Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for
Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.465 Requests for General Issuance Specialty License Plates

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- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

- Section
- 1010.510 Determination of Registration Fees
- 1010.520 When Fees Returnable
- 1010.530 Circuit Breaker Registration Discount
- 1010.540 Fees
- 1010.550 Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

- Section
- 1010.610 Unlawful Acts, Fines and Penalties
- 1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

- Section
- 1010.705 Reciprocity
- 1010.710 Vehicle Proration
- 1010.715 Proration Fees
- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Interline Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

- 1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

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1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29,

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2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART C: REGISTRATION

Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act and the Consumer Installment Loan Act. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
- c) The ERT service provider shall be responsible for the following:
 - 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all

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specifications of the Secretary of State's office. The communication link must provide for the secure transmission of information as required under this Section without permitting access to the vendor's confidential information by any entity that is not authorized by the vendor and the Secretary of State. Any entity that is authorized to access a vendor's information system, software, data or network must preserve its confidentiality and integrity. This provision does not limit or prohibit the Secretary of State from accessing confidential information;

- 2) transmitting all fees associated with the title and registration transactions to the Secretary of State and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
- 3) maintaining an inventory of registration plates and stickers at a secure location that is subject to inspection by the Secretary of State, distributing those plates and stickers to vendors as necessary, receiving unused, expired, damaged and voided plates and stickers and reports of lost or stolen plates and stickers from vendors, and forwarding those reports and returning those unused, expired, damaged and voided plates and stickers to the Secretary of State warehouse monthly. For purposes of this Section, the term "plates" shall mean vehicle registration license plates, and the term "sticker" shall mean the adhesive sticker affixed to license plates and the form, with a pre-printed control number and barcode, to which the sticker is attached when shipped and printed. When this Section provides for shipping, inventory, accounting or reconciliation of, or credit for returned, stickers, the sticker must be attached to the original form or affixed to a plate and recorded as issued with that plate.
 - A) The inventory control system shall accurately track all registration plates and stickers shipped to the service provider by the Secretary, those distributed by the provider to vendors (including tracking which specific plates and stickers were shipped to individual vendors), those returned by vendors to the provider, and those returned by the provider to the Secretary. The inventory yet to be shipped and the returned inventory shall be stored separately. In addition, the inventory system shall comply with one of the following:

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- i) All inventory shall be maintained in sequential order, according to document number, including inventory being held for shipping to vendors and inventory returned by vendors.
 - ii) The computerized inventory control system must utilize barcode readers that enable the service provider or Secretary of State employees to scan and accurately record inventory items yet to be shipped and returned inventory. Secretary of State employees must have access to a computer terminal at the service provider's site during inventory and reconciliation procedures, and the system must allow the printing of necessary inventory reports during these procedures.
- B) Real-time access to the inventory control system shall be provided to Secretary of State staff, auditors and Secretary of State Police for review, reconciliation, auditing and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued. All electronic information shall be maintained for not less than five years after receipt of the inventory by the service provider.
- C) Bulk inventories of registration plates and stickers will be delivered by the Secretary to the service provider as needed. The service provider shall acknowledge receipt of the inventory in a manner approved by the Secretary and is responsible for the inventory upon receipt. The service provider shall store the inventory within the State of Illinois. The service provider shall distribute registration plates and stickers to vendors, as necessary, and shall accept returns from the vendors of unused, expired, damaged and voided plates and stickers.
- D) Vendors shall not return unused, expired, damaged or voided plates and stickers directly to the Secretary. The Secretary shall not be responsible for inventory incorrectly returned.

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- E) Vendors who have inventory that is damaged, voided, missing, lost or stolen during a given month shall report those occurrences to the service provider not later than the final day of the following month. (Example: Inventory items damaged during August must be reported and returned to the service provider not later than the following September 30.) Credit for returned plates will only be granted when both plates in the set have been returned or accounted for, if the plates were of the type issued as a pair. All or as much as possible of the damaged or voided stickers must be returned to receive credit for returned inventory. When it is not possible to return any portion of a damaged or voided plate or sticker, an explanation as to the circumstances causing the plate or sticker to be voided or damaged, and the reasons no portion can be returned, must be provided. The Secretary shall have the right to determine whether the explanation will be accepted and whether inventory credit will be given for the plates or stickers not returned in whole or in part. In making this determination, the Secretary shall consider whether the vendor is able to retain and return the form on which the sticker is issued; whether matters beyond the control of the vendor may have contributed to the complete loss of the stickers (e.g., fires or industrial accidents that are accompanied by police reports, fire reports or insurance claims); and the history of the individual vendor with regard to the loss of stickers.
- F) Service providers may be relieved of responsibility for payment for plates and stickers reported as stolen only if a copy of a police report concerning the theft is provided to the Secretary.
- G) Not later than March 31 of each calendar year, vendors shall return to service providers all remaining stickers in their possession of the type and color that expire during that calendar year. (Example: During 2007, vendors sell stickers that expire during 2008, such that a sticker sold in March 2007 expires in March 2008. As of January 2008, vendors will be selling stickers of the type and color that expire in 2009. Therefore, not later than March 31, 2008, vendors shall return to the service provider all remaining stickers in their possession of the type and color that expire during 2008).

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- H) On a periodic basis, but not less than monthly, the Secretary and the service provider shall reconcile their records of plates and stickers shipped by the Secretary to the service provider, plates and stickers issued by vendors to vehicle owners and for which the appropriate documentation and fees were received by the Secretary, plates and stickers returned by vendors to the service provider as unused, expired, damaged or voided, explanations provided by vendors for damaged or voided stickers and plates that have not been returned in whole or in part, and plates and stickers still in the actual possession of the service providers and vendors. The review and accounting of inventory and returned items shall be conducted in the manner prescribed by the Secretary. After these periodic reconciliations, the unused, expired, damaged or voided plates and stickers shall be returned to the Secretary and the Secretary shall issue the service provider a receipt for the returned inventory. A preliminary report of missing billable inventory for the preceding month shall be provided after these periodic reconciliations.
- I) Following the reconciliation after March 31, June 30, September 30 and December 31, the Secretary shall invoice the service provider for all plates or stickers unaccounted for during the preceding quarter. These reconciliations will be based on the reported inventory still in the possession of vendors. Service providers shall not receive credit for unaccounted for inventory items that are located after this quarterly reconciliation and billing.
- J) The unaccounted for inventory shall be invoiced at the following rates. For unaccounted for stickers, the rate shall be \$125 per sticker. For unaccounted for plates that are intended to be sold as a set (e.g., passenger vehicle or truck plates) the rate shall be \$125 per set of plates. For unaccounted for plates that are intended to be sold individually (e.g., motorcycle or trailer plates) the rate shall be \$125 per plate. Payment in full must be made to the Secretary within 45 days after receipt of the notice from the Secretary of the amount due. Service providers may recover such payments from vendors pursuant to the contracts between the service providers and the vendors.

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- K) Certain types of registration stickers are sold outside of the one-year process noted in subsection (c)(3)(G) (e.g., registrations of fleet vehicles). To accommodate these sales, after the return and reconciliation of all inventory as provided in subsections (c)(3)(H) and (I), the Secretary may re-issue preceding year stickers to service providers for the use of vendors engaging in sales of vehicles requiring these registrations. These re-issued stickers shall be tracked separately in the service provider's inventory control system. Not less than three months after these re-issued stickers may no longer be legally sold, all remaining inventory of these stickers shall be returned to the service provider by the vendor, and the stickers shall be subject to the final reconciliation and billing process set forth in subsection (c)(3)(I).
 - L) The Secretary shall have the right to conduct physical inspections of the inventory of service providers and vendors during normal business hours.
 - M) The Secretary shall have the right to suspend or revoke the right of service providers and/or vendors to participate in the ERT program for failure to comply with the inventory control provisions set forth in this subsection (c)(3), or for excessive or repeated incidents of unaccounted for inventory;
- 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, which shall prohibit access to a vendor's confidential information by any entity without authorization of the vendor and Secretary of State and a requirement that any entity that is authorized to access a vendor's confidential information must preserve the confidentiality and integrity of the vendor's information systems, software, data and network, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers. This provision does not limit or prohibit the Secretary of State from accessing confidential information;
 - 5) retaining records of all ERT transactions as directed by the Secretary;

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- 6) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000. Beginning July 1, 2012, a service provider must post a performance bond in the amount of \$1,500,000;
 - 7) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
 - 8) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider;
 - 9) providing a formal process for billing and enforcement of all vendor inventory issues and pending transaction issues and designating a specific representative to communicate with the Secretary of State on all vendor inventory issues and pending transaction issues.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program.
- 1) All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program.
 - 2) The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Retail merchants wishing to serve as vendors must be approved in advance by the Secretary. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on:
 - A) the vendor's prior compliance with or violations of applicable statutes, rules and regulations;
 - B) the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421;
 - C) violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program;

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- D) the benefit to the public to be derived by the vendor's participation in the program;
 - E) the resources of the Secretary of State's office to support the vendor's participation in the program; and
 - F) The factors set forth in Section 1010.240(b)(2)(E)-(J).
- 3) Vendors shall inform customers that utilizing the electronic registration and titling system is optional.
 - 4) The ERT program shall not be used to request or obtain specialty, vanity or personalized registration plates.
 - 5) Fees collected for an ERT title transaction are nonrefundable by the Secretary, unless a title application has not been processed by the Secretary of State. ~~Fees collected for ERT transactions are nonrefundable by the Secretary.~~
 - 6) Registration plates and stickers may only be issued at the time an ERT transaction is processed.
 - 7) Title, registration and registration renewal applications and other required documents shall be delivered to the Office of the Secretary of State within 20 days after vehicle sale, registration or registration renewal.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).
 - f) Beginning January 1, 2013, all franchised new motor vehicle dealers must use an ERT program to submit titling and registration applications to the Secretary of State.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan
- 2) Code Citation: 80 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2700.200	Amendment
2700.310	Amendment
2700.315	Amendment
2700.320	Amendment
2700.415	Amendment
2700.450	Amendment
2700.600	Amendment
2700.630	Amendment
2700.650	Amendment
2700.680	Amendment
2700.690	Amendment
2700.700	Amendment
2700.740	Amendment
2700.745	Amendment
2700.770	New Section
- 4) Statutory Authority: 40 ILCS 5/22A
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments and adoption will expand 80 Ill. Adm. Code 2700 to allow participants to take loans from their accounts.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 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

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- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, explain, or modify their activities.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Illinois State Board of Investment (the "Board") will consider all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Linsey Schoemehl
General Counsel/Chief Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60610
- Linsey.Schoemehl@illinois.gov
- 312/793-1486 (voice)
312/793-2266 (fax)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: New procedures will need to be adopted by the Central Management Services and the Illinois State Board of Investment.
- C) Types of professional skills necessary for compliance: None that are not already in place.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE H: DEFERRED COMPENSATION
CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700

STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section	
2700.100	Establishment of Plan
2700.110	Purpose of Plan
2700.120	Economic Growth and Tax Relief Reconciliation Act of 2001 Good Faith Amendment (Repealed)
2700.125	Forms

SUBPART B: DEFINITIONS

Section	
2700.200	Definitions

SUBPART C: ADMINISTRATION

Section	
2700.300	Responsibilities of the Department
2700.310	Responsibilities of the Board
2700.311	Standards Governing the Selection of Investment Options
2700.315	Responsibilities of the Recordkeeper
2700.320	Deferred Compensation Hardship Committee
2700.330	Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section	
2700.400	Eligibility
2700.410	Enrollment
2700.415	Designation of Beneficiary
2700.420	Minimum Deferral
2700.430	Basic Annual Limitation

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- 2700.435 Age 50 Catch-up Annual Deferral Contribution
- 2700.440 Special Section 457 Catch-up Limitation
- 2700.450 Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section

- 2700.500 Normal Retirement Age
- 2700.510 Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section

- 2700.600 Deferred Compensation Accounts
- 2700.610 Allocation of Investment Earnings or Losses
- 2700.620 Investment Option Valuation
- 2700.630 Administrative Costs
- 2700.640 Method of Making Investment Requests
- 2700.650 Participant Statements
- 2700.660 Custodial Account
- 2700.670 Investment Options
- 2700.680 Rollovers to the Plan
- 2700.690 Plan-to-Plan Transfers to the Plan

SUBPART G: DISTRIBUTIONS

Section

- 2700.700 Distribution Events
- 2700.710 Beneficiary Election of Method of Distribution
- 2700.720 Election of Delayed Distribution Date (Repealed)
- 2700.730 Election of Method of Distribution
- 2700.735 Distribution for Certain Balances of \$5,000 or Less
- 2700.740 Unforeseeable Emergency
- 2700.745 Plan-to-Plan Transfers from the Plan
- 2700.750 Permissive Service Credit Transfers
- 2700.760 Leave of Absence
- | 2700.770 Loans

SUBPART H: MISCELLANEOUS

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Section

2700.800	Nonassignability
2700.810	Payments to Minors and Incompetents
2700.820	Missing Persons
2700.830	Severability
2700.840	Days and Dates
2700.850	Domestic Relations Orders
2700.860	IRS Levy
2700.870	Mistaken Contributions

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section

2700.900	Amendment of Plan
2700.910	Termination of Plan
2700.920	Merger with Prior Plans

2700.APPENDIX A	Administrative Rules (Repealed)
2700.EXHIBIT A	Administrative Rule I (Repealed)
2700.EXHIBIT B	Administrative Rule II (Repealed)
2700.EXHIBIT C	Administrative Rule III (Repealed)
2700.EXHIBIT D	Administrative Rule IV (Repealed)
2700.EXHIBIT E	Administrative Rule V (Repealed)
2700.EXHIBIT F	Administrative Rule VI (Repealed)

AUTHORITY: Implementing section 457 of the Internal Revenue Code (26 USCA 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989; emergency amendment at 17 Ill. Reg. 19976, effective November 2, 1993, for a maximum of 150 days; emergency expired April 2, 1994; amended at 18 Ill. Reg. 7224, effective May 2, 1994; amended at 21 Ill. Reg. 10050, effective July 15, 1997; emergency

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amendment at 23 Ill. Reg. 566, effective January 1, 1999, for a maximum of 150 days; amendment at 23 Ill. Reg. 6039, effective May 5, 1999; emergency amendment at 26 Ill. Reg. 478, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7442, effective May 6, 2002; emergency amendment at 29 Ill. Reg. 20050, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8408, effective April 21, 2006; amended at 33 Ill. Reg. 13451, effective September 14, 2009; amended at 35 Ill. Reg. 13928, effective August 1, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 2700.200 Definitions

- a) Whenever used in the Plan, the following terms shall have the meanings set forth in this Section unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized:

"Account Balance" means the bookkeeping account maintained with respect to each Participant that reflects the value of the Deferred Compensation credited to the Participant, including Annual Deferrals, the earnings or loss of the Investment Option (net of Investment Option expenses) allocable to the Participant, any transfers for the Participant's benefit, ~~and~~ any distribution made to the Participant or the Participant's Beneficiary, the value of any outstanding Participant Loans and as adjusted for Loan repayments and as otherwise provided in the Plan. If a Participant has more than one Beneficiary at the time of the Participant's death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance includes any account established for rollover contributions and plan-to-plan transfers made for a Participant, the account established for a Beneficiary after a Participant's death, and any account or accounts established for an alternate payee (as defined in section 414(p)(8) of the Internal Revenue Code).

"Alternate Retirement System" means this Plan, which is described in section 457 of the Internal Revenue Code, when used for purposes of section 3121(b)(7)(F) of the Code to exclude contractual employees from mandatory Social Security coverage.

"Annual Deferral" means the amount of Compensation deferred in any year.

"Applicable Dollar Amount" means the amount of Compensation allowed to be deferred in any calendar year as established under section 457(e)(15) of the Code.

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"Beneficiary" means the person, persons or legal entity entitled to receive any undistributed Deferred Compensation that becomes payable in the event of the Participant's death, as designated by the Participant, or provided for in accordance with the Plan.

"Board" means the Illinois State Board of Investment.

"Code" means the Internal Revenue Code (26 USC 1 et seq.), as amended from time to time, or any successor statute.

"Compensation" means all cash Compensation for services to the State, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includable in the Employee's gross income for the calendar year but for a Compensation reduction election under section 125, 132(f), 401(k), 403(b) or 457(b) of the Code.

"Custodial Account" means the fund created under and subject to the Custodial Agreement.

"Custodial Agreement" means the written agreement made by and between the State and the Custodian under which the Custodial Account is maintained.

"Custodian" means a bank, as described in section 408(n) of the Internal Revenue Code, or a person who meets the non-bank trustee requirements in accordance with the regulations under section 408(a)(2) of the Code relating to the use of non-bank trustees.

"Deferred Compensation" means that portion of the Participant's Compensation that the Participant defers under this Plan.

"Deferred Compensation Account" means an account established under this Plan that is the basis for any distribution payable to the Participant under Section 2700.730 of this Part.

"Delayed Distribution Date" means the date a Participant elects to make a decision regarding distribution of the Participant's account.

"Department" means the Department of Central Management Services of the State

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of Illinois.

"Employee" means *any person, including a person elected, appointed or under contract, receiving Compensation from the State for personal services rendered, including salaried persons* [40 ILCS 5/24-102], except that any person under contract with the Employer shall be eligible only to the extent the Internal Revenue Service or the Illinois Department of Revenue shall permit or approve.

"Employer" means the State of Illinois, including all officers, boards, commissions and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Hardship Committee" means a committee that is responsible for determining whether any Participant has suffered an Unforeseeable Emergency and is entitled to a distribution as provided under Section 2700.740 ~~of this Part~~, as well as determining Loan claims appeals as provided under Section 2700.770.

"Includable Compensation" means the Employee's actual wages in box 1 of Form W-2 for a year for services to the State, as defined in section 457(e)(5) of the Code.

"Investment Option" means any and all investment vehicles established by the Board for the investment of Deferred Compensation.

"Loan" means a Participant loan described in Section 2700.770.

"Minor" means a Beneficiary who is under age 18 at the time a benefit under this Plan becomes payable to him or her, unless Illinois law defines another age.

"Minority Option" means an Investment Option with a minority-owned firm that has documented State certification.

"Normal Retirement Age" means age 70½ unless the Participant has elected an

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alternative Normal Retirement Age by written instrument delivered to the Department within 30 days after the Participant's Severance of Employment as provided in Section 2700.510 of this Part. A Participant's Normal Retirement Age determines:

the latest time when benefits may commence under this Plan (unless the Participant continues employment after Normal Retirement Age); and

the period during which a Participant may utilize the three-year Catch-up provision of Section 2700.440 of this Part.

"Participant" means any Employee who has enrolled in this Plan as provided in Section 2700.410 of this Part and has not had a complete distribution of his or her Deferred Compensation Account.

"Pay Period" means ~~ana-regular~~ accounting period established by the State of Illinois for measuring and paying Compensation earned by Employees. A Pay Period may be monthly, semi-monthly, ~~or~~ bi-weekly or another period determined by the Employer.

"Plan" means the State (of Illinois) Employees' Deferred Compensation Plan, as set forth in this Part, and as it may be amended from time to time.

"Plan Year" shall be the tax year as established by the Comptroller for payroll purposes.

"Prior Plan I" means the State Employees' Deferred Compensation Plan approved and adopted by the Board on September 10, 1976.

"Prior Plan II" means the State Employees' Deferred Compensation Plan approved and adopted by the Board on May 18, 1979.

"Prior Plan III" means the State Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700) adopted at 7 Ill. Reg. 10845, effective August 31, 1983.

"Recordkeeper" means the non-fiduciary, non-discretionary entity that, under contract with the Board, performs functions as directed by the Board or Department, as appropriate, as described in this Part, in its contract with the Board, and as described in any other written agreements with the Board and/or the

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Department.

"Severance from Employment" means the permanent severance of the Participant's employment relationship with the Employer by means of:

retirement;

discharge;

resignation, provided seniority or continuous service is interrupted;

layoff, unless there is a designated date for return to paid status;

expiration or non-renewal of contract, appointment or term of office;

nonreelection; or

other form of permanent severance as may be provided by appropriate law, contract or rules and regulations.

For the purposes of this definition, neither a break in State service for a period of less than 30 days nor transfers among various branches of State Government shall be considered a Severance from Employment.

An independent contractor is considered to sever service with the Employer upon the expiration of all contracts under which services are performed for the Employer, if the expiration constitutes a good faith and complete termination of the contractual relationship.

"State" means State of Illinois.

"Unforeseeable Emergency" means severe financial hardship to the Participant resulting from an unexpected illness or accident of the Participant or of a dependent of the Participant, loss of the Participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant.

"Valuation Date" means the date on which an Investment Option is valued and earnings and/or losses are allocated to Participants' Deferred Compensation

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Accounts. There shall be a Valuation Date at least once a month and, if practical at the discretion of the Board, more frequent Valuation Dates to reflect, as closely as possible, the earnings and/or losses of any particular Deferred Compensation Account from the time Compensation is deferred and invested in various Investment Options until it is eventually distributed according to the Plan. It may also include each business day/the last day of the calendar month/the last day of the calendar quarter/each December 31.

- b) Except when otherwise indicated by context, any masculine terminology shall also include the feminine and neuter and vice-versa, and the definition of any terms in the singular may also include the plural.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATION

Section 2700.310 Responsibilities of the Board

- a) The Board has the responsibility for general supervision of the Plan, which shall include, but not be limited to:
- 1) establishment of the Plan;
 - 2) approving or disapproving any proposed changes in the Plan;
 - 3) if deemed necessary by the Board, obtaining Internal Revenue Service and Illinois Department of Revenue approval for the Plan or any amendments to the Plan;
 - 4) reviewing any and all proposed investment offerings, each of which must be determined acceptable by the Board prior to being utilized for the investment of Deferred Compensation;
 - 5) providing the Recordkeeper with the most recent copy of the Plan, the Plan's administrative policies, procedures and forms, the Plan's Investment Options and all Plan data and other documents necessary to perform its functions;
 - 6) maintaining the tax qualification of the Plan under section 457 of the

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Code;

- 7) reviewing, selecting and approving the Recordkeeper and the services to be provided by the Recordkeeper; and
 - 8) resolving all benefit claims and claims appeals under the Plan, including, but not limited to, resolving all Loan claims and Loan claims appeals under the Plan, to the extent those responsibilities are not otherwise delegated by the Board.
- b) Following approval by the Board of one or more types of investments, if any, to be offered to Participants, the Board shall prepare specifications and make them available to known administrators or providers of that type of investment.
 - c) The selection of the successful bidder for each investment shall be based on the bidder's relative ability to provide the program as specified. The Board shall have the authority to:
 - 1) waive minor informalities in bidding;⁵
 - 2) accept more than one bid;⁵ and
 - 3) reject any and all bids.
 - d) The Board has the responsibility for selecting the custodians to hold the assets of the Plan in accordance with section 457(g) of the Code and for entering into related custodial agreements in connection with the Plan.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.315 Responsibilities of the Recordkeeper

The Recordkeeper shall:

- a) accept Plan contributions from the Department and cause those contributions to be invested among the Investment Options, as directed by the Participant;
- b) process distributions upon receipt of information from the Department that indicates that a Participant is eligible for distribution;

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- c) process changes to Investment Options, as directed by the Board;
- d) process changes to investment allocations, as requested by the Participant, provided that the allocation is made to one of the available Investment Options and that the allocation reconciles with the Department's instructions, based upon the request from the Participant, for allocating the contribution;
- e) provide the production, printing and assembly of enrollment kits for distribution to eligible employees and provide enrollment representatives to assist with employee meetings;
- f) process all requests for hardship distribution due to an Unforeseeable Emergency resulting from:
 - 1) legal fees involving criminal charges and civil divorce charges against/for the Participant and/or the Participant's qualifying dependents;
 - 2) payment for the burial or funeral expenses for the parent, spouse and/or qualifying dependent of the Participant;
 - 3) costs associated with preventing eviction from, or foreclosure on the mortgage of, the Participant's primary residence;
 - 4) expenses for the repair of damage to the Participant's principal residence that would qualify for the casualty deduction under section 165 of the Code (regardless of whether the loss exceeds 10% of the Participant's adjusted gross income) beyond insurance reimbursement;
 - 5) unreimbursed medical expenses resulting from sudden illness or accident of the Participant or the Participant's spouse and/or qualifying dependents;
 - 6) involuntary loss of wages; or
 - 7) other extraordinary and unforeseeable circumstances arising as a result of events beyond the Participant's control that create a financial hardship;
- g) review and forward all requests for hardship distribution for an Unforeseeable Emergency as governed by 26 CFR ~~1.4571-457-6~~ (20122008), resulting from a

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cause not contemplated in Section 2700.315(f) to the Hardship Committee for review and determination;

- h) process all Loan applications, Loan repayments, Loan defaults and reamortizations;
- i) communicate with Participants regarding the Plan's Participant Loan feature and notify Participants regarding delinquent Loan payments and other Loan-related matters;
- j) prepare and mail quarterly account statements to Participants;
- k) communicate with Participants regarding the costs and available Investment Options under the Plan, matters relating to investment education, and other information required in order to maintain qualification of the Plan or as otherwise agreed with the Board or the Department;
- l) enter data provided by the Department into its recordkeeping system for the proper operation and maintenance of the records of the Plan;
- m) provide Code section 457 compliance monitoring, monitor for compliance with laws governing the use of electronic media for providing employee benefits notices and making benefit elections and consents, and monitor distributions in the normal course, plan-to-plan transfers, Loans and rollovers to ensure compliance with the terms of the Plan;
- n) provide Participant access to daily pricing valuations through its on-line access system, as well as provide directions and/or direct links to other pricing calculators when applicable; and
- o) monitor, calculate and process required minimum distributions under section 401(a)(9) of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART D: PARTICIPATION IN THE PLAN

Section 2700.415 Designation of Beneficiary

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- a) A Participant may designate a Beneficiary or Beneficiaries who shall receive any balance in the Participant's Deferred Compensation Account in the event of his or her death.
- b) A designation of Beneficiary shall be effective for subsequent distributions when received by the Department. The designation shall be in writing on a form provided under the Plan for that purpose that has been signed by the Participant.
- c) A Participant may, at any time, change his or her Beneficiary by completion of the form provided under the Plan.
- d) No Beneficiary shall have any rights under this Plan until the death of the Participant who has designated him or her and a separate account has been established by the Recordkeeper, at the direction of the Department, as provided for under this Section.
- e) Participants may designate primary and contingent Beneficiaries. A contingent Beneficiary's interest shall become effective only upon the death of any and all primary Beneficiaries, or if any and all of the primary Beneficiary designations have been found invalid.
- f) If more than one Beneficiary is named in either category, benefits shall be paid according to the following rules:
 - 1) Beneficiaries can be designated to share equally or to receive specific percentages.
 - 2) If a Beneficiary dies before the Participant, only the surviving Beneficiaries shall be eligible to receive any benefits in the event of the death of the Participant. If more than two Beneficiaries are originally named to receive different percentages of the benefits, surviving Beneficiaries shall share in the same proportion to each other as indicated in the original designation.
- g) A person, trust, estate or other legal entity may be designated as a Beneficiary.
- h) If a Beneficiary has not been designated, or a designation is ineffective due to the death of all Primary and Contingent Beneficiaries prior to the death of the Participant, or the designation is ineffective for any reason, the estate of the

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Participant shall be the Beneficiary.

- i) Upon the death of the Participant, any Beneficiary entitled to the value of the Deferred Compensation Account under the provisions of this Section shall become a "vested Beneficiary" and have all the rights of the Participant, with the exception of making any deferrals or applying for a Loan under the Plan.
- j) Before the account can be distributed, the Beneficiary must provide the Department with his or her Social Security Number and a certified copy of the Participant's death certificate.
- k) In the event of a conflict between the provisions of this Section and any annuity contract purchased prior to January 1, 1999, this Section shall prevail.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.450 Revocation of Deferral

- a) Any Participant may revoke his or her election to have Compensation deferred by completing the Revocation Section of the Enrollment Form.
- b) Following notice of revocation, the Participant's full Compensation shall be restored as soon as possible. In no case shall deductions continue later than the Pay Period occurring 30 days after receipt of the revocation form and any other forms requested by the Department to fulfill the requirements of the Office of the Comptroller or any other State agency.
- c) The Department shall suspend a Participant's deferrals for the remainder of the calendar year when the Participant has deferred in excess of the allowable maximum and shall withdraw and return the excess amount deferred consistent with Section 2700.440(f) of this Part. For the avoidance of doubt, the preceding sentence does not apply to Loan repayments under Section 2700.770.
- d) Revocation shall not cause distribution of the Participant's Account.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

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Section 2700.600 Deferred Compensation Accounts

- a) The State of Illinois shall establish a "Deferred Compensation Account" for each Participant ~~that~~which shall be the basis for any distributions payable to the Participant under Section 2700.730.
- b) Each Participant's Deferred Compensation Account shall be credited with the amount of any Compensation deferred and shall be further credited or debited, as applicable, with:
 - 1) any increase or decrease resulting from investments made by the State pursuant to Section 2700.670;~~;~~
 - 2) any applicable expenses incurred by the State in maintaining and administering ~~the~~this Plan;~~;~~
 - 3) any debits for the amount of any distribution;~~;~~
 - 4) any credit for the initial value on the effective date of ~~the~~this Plan of any bookkeeping account maintained under the Prior Plans; ~~and-~~
 - 5) any adjustment resulting from amounts loaned, repaid or defaulted in respect of a Loan under Section 2700.770.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.630 Administrative Costs

- a) It is the intent of ~~the~~this Plan that it shall not be implemented or administered so as to be an expense to the State of Illinois, except for the State's obligation to pay the Deferred Compensation Accounts as provided in ~~the~~this Plan. Therefore, any expenses of maintaining and administering the Plan shall be borne by the Participants. Cost shall include, but not be limited to, the costs of:
 - 1) making investments, exchanges~~;~~ or distributions if any;
 - 2) collecting the Deferred Compensation; ~~and~~
 - 3) providing information to Participants, Employees and other agencies of

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the State; ~~and-~~

- 4) administering the Plan Loan feature under Section 2700.770.
- b) The method of allocating, calculating and deducting any expenses shall be determined by the Board.
- c) To defray certain of the expenses incurred in administering the Plan, an ~~An~~ asset charge at an annual rate not to exceed a cap of 1% ~~percent (.01)~~ shall be levied directly against the Account of each Participant in the Plan. This charge shall be assessed ~~solely~~ to offset ~~certain costs~~ ~~the cost~~ incurred by the State in administering the Plan. Any asset charge shall be based on ~~these costs~~ ~~this cost~~, but in no case may the ~~asset~~ ~~actual~~ charge provided for in this subsection (c) exceed the ~~established~~ cap of 1%.
- d) A Loan origination fee may be levied against the Account of each Participant who applies for and receives a Loan from his or her Account Balance as provided in Section 2700.770.
- e) In maintaining and administering the Plan, fees and expenses will also be charged in respect of the Plan's Investment Options and be reflected in the returns received from each Investment Option.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.650 Participant Statements

- a) Each Participant shall be provided quarterly with an accounting of his or her Deferred Compensation Account, including, but not limited to, the amount deferred and any amounts credited or debited up to the quarter end and a separate accounting showing amounts credited or debited up to the quarter end for a Participant's outstanding Loan under Section 2700.700.
- b) ~~The~~ ~~Such an~~ accounting shall be made not later than 60 days after all deferrals for the quarter have been invested.
- c) Participants are responsible for notifying the Department in writing of any investment or other error within 14 days ~~after~~ ~~of~~ the receipt of any statement.

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- d) The liability of the Plan to the Participants for administrative errors shall not exceed the amount necessary to correct the error. Errors under \$5.00 will not be corrected.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.660 Custodial Account

- a) Notwithstanding any contrary provision of the Plan, in accordance with section 457(g) of the Code, all amounts of Compensation deferred pursuant to the Plan, all property and rights purchased with these amounts, all Loans made and repaid with these amounts, and all income attributable to these amounts, property, or rights shall be held in one or more Custodial Accounts for the exclusive benefit of Participants and Beneficiaries under the Plan. For purposes of this subsection, the Custodian of any Custodial Account created pursuant to the Plan must be a bank, as described in section 408(n) of the Internal Revenue Code, or a person who meets the non-bank trustee requirements in accordance with the regulations under section 408(a)(2) of the Code relating to the use of non-bank trustees. All amounts of Compensation deferred under the Plan and all Loan repayments received shall be transferred to a Custodial Account described in section 401(f) of the Code within a period that is not longer than is reasonable for the proper administration of the accounts of Participants. The Recordkeeper shall act as agent on behalf of the Plan to custody Participant Loans.
- b) The Participant and his or her Beneficiary shall not have any property interest whatsoever in any specific asset of the State of Illinois on account of his or her election to defer any Compensation under this Plan.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.680 Rollovers to the Plan

- a) A Participant who is an Employee and who is entitled to receive an eligible rollover distribution from another eligible retirement plan may request to have all or a portion of the eligible rollover distribution paid to the Plan.
- b) The Department may require documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with section 402 of the Code and to confirm that the plan is an eligible retirement plan within the meaning of

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section 402(c)(8)(B) of the Code.

- c) For purposes of this Section, an eligible rollover distribution means any distribution of all or any portion of a Participant's benefit under another eligible retirement plan, except that an eligible rollover distribution does not include:
- 1) any installment payment for a period of 10 years or more;
 - 2) any distribution made as a result of an Unforeseeable Emergency or other distribution that is made to a Participant; ~~or~~
 - 3) any amount constituting a security interest for an outstanding Loan under the eligible retirement plan; or
 - 4) ~~3)~~ for any other distribution, the portion, if any, of that distribution that is a required minimum distribution under section 401(a)(9) of the Code. Section 401(a)(9) of the Code outlines required distributions and the manner in which those distributions must be made.
- d) In addition, an eligible retirement plan means an individual retirement account described in section 408(b) of the Code, a qualified trust described in section 401(a) of the Code, an annuity plan described in section 403(a) or 403(b) of the Code, or an eligible governmental plan described in section 457(b) of the Code that accepts the eligible rollover distribution.
- e) The Plan will not accept an eligible rollover distribution that includes an outstanding Loan as an asset from an eligible retirement plan.
- f) The Recordkeeper, at the direction of the Department, shall establish and maintain for the Participant a separate account for any eligible rollover distribution paid to the Plan from any eligible retirement plan that is not an eligible governmental plan under section 457(b) of the Code.
- gf) In addition, the Recordkeeper, at the direction of the Department, shall establish and maintain for the Participant a separate account for any eligible rollover distribution paid to the Plan from any eligible retirement plan that is an eligible governmental plan under section 457(b) of the Code.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 2700.690 Plan-to Plan Transfers to the Plan

- a) Participants who participate in another eligible governmental plan under section 457(b) of the Code may transfer assets to the Plan as provided in this Section. A transfer is permitted only if the other plan provides for the direct transfer of a Participant's interest in the other plan to the Plan.
- b) The transfer is permitted only in the form of cash or other similar property deemed acceptable to the Department.
- c) The Department may require documentation from the other plan as it deems necessary to effectuate the transfer in accordance with section 457(e)(10) of the Code and 26 CFR 1.457-10(b) (2005) and to confirm that the other plan is an eligible governmental plan as defined in 26 CFR 1.457-2(f) (2005).
- d) The Plan will not accept a transfer from an eligible governmental plan that includes an outstanding loan as an asset.
- e) The amount transferred shall be credited to the Participant's Account Balance and shall be held, accounted for, administered and otherwise treated in the same manner as an Annual Deferral by the Participant under the Plan, except that the transferred amount shall not be considered an Annual Deferral under the Plan in determining the maximum deferral under Section 2700.430 of this Part.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART G: DISTRIBUTIONS

Section 2700.700 Distribution Events

- a) Distributions under this Plan shall be made in accordance with section 401(a)(9) of the Code (including, but not limited to, the Plan provisions described in Sections 2700.315 and 2700.740) and Treasury Regulations issued under section 401(a)(9), including the minimum distribution incidental benefit requirement of Code section 401(a)(9)(G) and Treasury Regulations 1.401(a)(9)-2 through 1.401(a)(9)-9 (26 CFR 1.401(a)(9)-2 through (a)(9)-9) (2008). However, these provisions of the Code and Treasury Regulations shall override the other distribution provisions of the Plan only to the extent that the other Plan provisions

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provide for a distribution that is less rapid than is required under the provisions of the Code and the Treasury Regulations. In accordance with the suspension, under the Worker, Retiree and Employer Recovery Act of 2008, of required minimum distributions for calendar year 2009 only, the Plan will not make required minimum distributions to Plan Participants who otherwise would be required to take a required minimum distribution for calendar year 2009.

- b) A Participant's Deferred Compensation Account may begin to be distributed 30 days after the date of one of the following events:
- 1) Severance from Employment;³⁵
 - 2) Death;³⁵ or
 - 3) Delayed Distribution Date.
- c) A Participant's Deferred Compensation Account may begin to be distributed as soon as possible but not later than 30 days after determination of an Unforeseeable Emergency.
- d) A Participant, with \$5,000 or less in his or her Deferred Compensation Account, may elect to cash out the Account in compliance with conditions specified in Section 2700.735 of this Part.
- e) No distributions shall be made to a Participant who is employed as an independent contractor before a date that is at least 12 months after the day on which his or her employment contract expires. Should the independent contractor be re-employed by the State as either an Employee or independent contractor during the 12-month waiting period, no distribution shall be started on the projected distribution date. If the contractor has attained age 70½ at the time the contract is terminated, the 12-month waiting period is waived.
- f) Participants are responsible for notifying the Department of their Severance from Employment~~Termination of Service~~.
- g) Beneficiaries are responsible for notifying the Department of the death of the Participant and supplying the Department with a certified copy of the Death Certificate.

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- h) A Participant who does not receive the initial distribution until the calendar year following the year in which he or she reaches age 70½ or separates, if he or she works past age 70½, shall receive at least 2 taxable distributions in the same year.
- i) If a Participant has a separate account attributable to rollover contributions to the Plan, the Participant may at any time elect to receive a distribution of all or any portion of the amount held in the rollover account.
- j) An alternate payee, pursuant to the terms of a qualified domestic relations order, may at any time elect to receive a distribution of all or any portion of the amount held and maintained on behalf of the alternate payee upon the proper execution and designation under the qualified domestic relations order. An alternate payee is not eligible to apply for a Loan pursuant to Section 2700.770.
- k) If a Participant has an outstanding Loan, the Participant's or Beneficiary's accrued benefit shall be subject to offset or other adjustment upon distribution, in satisfaction of any outstanding Loan balance.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.740 Unforeseeable Emergency

- a) A distribution of all or a portion of a Participant's Deferred Compensation Account or a change in method of distribution to a Participant shall be permitted in the event the Participant experiences an Unforeseeable Emergency.
- b) Distributions shall not be made to the extent that the hardship is or may be relieved:
- 1) through reimbursement or compensation by insurance or otherwise;
 - 2) by liquidation of the Participant's assets to the extent the liquidation of assets would not itself cause severe financial hardship; ~~or~~
 - 3) by cessation of deferrals under the Plan; or-
 - 4) through receipt of a Loan under Section 2700.770.
- c) A distribution pursuant to this Section shall not be permitted unless the Participant

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~~has first exhausted the amount otherwise available for a Loan under Section 2700.770, except to the extent the Participant can demonstrate in its hardship distribution application that receipt of a Loan would itself cause severe financial hardship. Participant's deferrals shall automatically be revoked upon application for a hardship distribution.~~

- d) A Participant's deferrals shall automatically be revoked upon application for a hardship distribution. A Participant's Loan repayments shall not automatically be revoked upon application for a hardship distribution.
- e) If the hardship application is approved, the Participant cannot re-enroll for 6 months following receipt of the hardship application, unless the application is to request cessation of distribution payments.
- f) For the purposes of this Plan, a Beneficiary whose interest has "vested" in accordance with Section 2700.415 shall have all rights of a Participant to request a distribution in the event of an Unforeseeable Emergency.
- gf) A Participant desiring a distribution by reason of a serious Unforeseeable Emergency must apply to the Recordkeeper and demonstrate that:
- 1) the circumstances being experienced were not under the Participant's control;
 - 2) the circumstances constitute a real emergency that is likely to cause the Participant great financial hardship;
 - 3) the Unforeseeable Emergency that is the subject of the request occurred no more than 24 months prior to the date of the request;
 - 4) the amount of the need cannot be reasonably relieved:
 - A) through reimbursement or compensation by insurance or otherwise;
 - B) by liquidation of assets (including those of the Participant's spouse and minor children), to the extent the liquidation would not itself cause an immediate and heavy financial need;

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- C) by stopping elective contributions to the Plan; ~~or~~
 - D) [following receipt of a Loan under Section 2700.770; or](#)
 - E) by taking withdrawals from the plans maintained by the employer and any other company, or by borrowing from commercial resources on reasonable commercial terms; and
- 5) an Unforeseeable Emergency request form and 457 direct emergency withdrawal worksheet have been completed and submitted to the Recordkeeper, along with all documentation possessed by the Participant that supports the basis of the request.
- g) The Recordkeeper shall have the authority to require medical or other evidence it may need to determine the necessity for Participant's withdrawal request. In the event this information is not provided, the case shall be considered closed 60 days after the date of the request for additional information.
 - h) The Recordkeeper shall reach its decision to process or reject the financial hardship withdrawal request, in accordance with Section 2700.315(f), within 30 days following receipt of the completed application and necessary information required by the application.
 - i) In the event the basis for the hardship does not fall into the guidelines established by Section 2700.315(f), the Recordkeeper shall forward all relevant information to the Hardship Committee for consideration and a final decision.
 - j) The Hardship Committee may request additional information from the Participant in order to make its decision on applications processed through either subsection (h) or (i). The Hardship Committee shall reach its decision within 30 days after receipt of the application and information necessary to reach a final determination.
 - k) If a Participant is not satisfied with the decision of the Hardship Committee on an application for an Unforeseeable Emergency distribution or change in distribution, the Participant may appeal in writing to the Board within 20 days after the mailing date of the Hardship Committee's decision.
 - l) The Board shall, within 30 days after receipt of the appeal, conduct a hearing and

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review evidence presented by the Participant.

- m) The Board shall then render a final decision within 15 days after the hearing that shall be binding on all parties.
- n) If an application for an Unforeseeable Emergency distribution is approved, the distribution shall be limited to an amount sufficient only to meet the emergency, which amount shall not include any security interest for an outstanding Loan under Section 2700.770 ~~and shall in no event~~ exceed the amount of his or her Deferred Compensation Account as of the Valuation Date next preceding or coincident with the withdrawal.
- o) The allowed distribution shall be payable in a method determined by the Recordkeeper and shall commence as soon as possible, but not later than 30 days after notice to the Participant and the Department of approval of the request.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.745 Plan-to-Plan Transfers from the Plan

- a) Participants and Beneficiaries may elect to have all or any portion of their Account Balance transferred to another eligible governmental plan within the meaning of section 457(b) of the Code and 26 CFR 1.457-2(f) (20122008).
- b) A transfer is permitted under this Section only if:
 - 1) the Participant has had a Severance from Employment with the State and is an employee of the entity that maintains the other eligible governmental plan; and
 - 2) the other eligible governmental plan provides for the acceptance of plan-to-plan transfers with respect to the Participants and Beneficiaries and for each Participant and Beneficiary to have an amount deferred under the other plan immediately after the transfer at least equal to the amount transferred.
- c) The Plan shall not permit a plan-to-plan transfer of a Loan or that part of any Account Balance constituting a security interest for an outstanding Loan.

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- ~~d~~e) Upon the transfer of assets under this Section, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged to the extent of the amount transferred for the Participant or Beneficiary.
- ~~e~~d) The Recordkeeper may require documentation from the receiving plan as it deems appropriate or necessary to comply with this Section or to effectuate the transfer pursuant to 26 CFR 1.457-10(b) (~~2012~~2008).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 2700.770 Loans

- a) A Participant who is an Employee may apply for and receive a Loan from his or her Account Balance as provided in this Section. A Beneficiary may not apply for a Loan from his or her Account Balance.
- b) The amount to be loaned shall be selected by the Participant at the time a Loan application is filed and:
- 1) shall not be for an amount less than \$1,000; nor
 - 2) exceed the lesser of:
 - A) \$50,000; or
 - B) one-half of the present value of the Participant's Account Balance.
- c) Any amount in an account or accounts established for an alternate payee shall be excluded in determining the amount available for purposes of subsection (b).
- d) All Loans shall be repaid over a non-renewable repayment period between one and five years; however, a Loan made for acquiring a principal residence, which is, or within a reasonable time shall be, the principal place of residence of the Participant, shall be repaid over a non-renewable repayment period of up to 15 years.
- e) Any Loan shall be amortized in substantially level installments of principal and accrued interest that shall be paid at least quarterly over the term of the Loan.

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- f) All Loans shall provide a fixed rate of interest of 1% above the prime interest rate as published in the Wall Street Journal on the last business day of the month immediately preceding the month in which the Loan is granted.
- g) All Loans shall be secured as of the date of the Loan by the Participant's Account Balance; however, no more than 50% of the aggregate value of the Participant's Account Balance shall be used as security for the Loan.
- h) If a Participant dies prior to the disbursement of the proceeds of any Loan, the Participant's Loan request shall be void as of the date of death and no disbursement shall be made by operation of this Section to the Participant's Beneficiary or estate.
- i) The amount of the Loan may not be changed or revoked by the Participant and shall remain in effect until repaid or defaulted except in the case of any exception provided for military leave pursuant to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) contained in 38 USC 4318. Participants shall not have more than one Loan outstanding at a time; a Loan must be repaid in full before another Loan can be applied for and received.
- j) Loan disbursements and any Loan fee shall be debited pro rata across all investment funds and available contribution types within the Participant's Account in effect at the time the debits are made by the Plan. Principal repayments and interest payments shall be reinvested in the Participant's Account in accordance with the Participant's investment elections in effect at the time payments are received by the Plan.
- k) Participants are responsible for notifying the Department and Recordkeeper of any failure of Loan repayments to be initiated or otherwise be made in accordance with the Loan terms.
- l) Failure to make Loan repayments in the manner and within the time period provided for in the Loan shall result in a default on the Loan and the unpaid Loan balance and any interest due on the loan shall become due and payable in accordance with the terms of the Loan. Upon the occurrence of a default, a Participant's Account Balance shall be adjusted and the Recordkeeper shall otherwise process the default in accordance with applicable tax law requirements.

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- m) A Participant that is not approved for a Loan or a Loan amendment may appeal the denial in writing to the Hardship Committee within 30 days after the date of the Loan denial. The Hardship Committee shall render a final decision, within 30 days after receipt of the recommendation, that shall be binding on all parties.
- n) If an appeal for a Loan is approved, the Loan shall be made and repaid in accordance with this Section.

(Source: Added at 36 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.140 Proposed Action:
New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: This Section is intended to implement qualification requirements under IRC Section 401(a) as applicable to governmental plans within the meaning of IRC Section 414(d). The System is intended to be a qualified governmental plan under the meaning of those IRC provisions.
- 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 affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

217/378-8825

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

1600.100	Definitions
1600.110	Freedom of Information Act
1600.120	Open Meetings Act
1600.130	Procurement
<u>1600.140</u>	<u>Compliance with the Internal Revenue Code</u>

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

1600.202	Return to Employment
1600.203	Independent Contractors
1600.205	Compensation Subject to Withholding
1600.210	Crediting Interest on Participant Contributions and Other Reserves
1600.220	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230	Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
1600.240	Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
1600.241	Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
1600.250	Sick Leave Accrual Schedule
1600.260	Part-time/Concurrent Service Adjustment
1600.270	Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section

1600.300	Effective Beneficiary Designations
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STATE UNIVERSITIES RETIREMENT SYSTEM

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- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedure

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

SUBPART E: ADMINISTRATIVE REVIEW

Section

- 1600.500 Rules of Practice – Nature and Requirements of Formal Hearings

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases
- 1600.655 Expiration of a QILDRO
- 1600.660 Reciprocal Systems QILDRO Policy Statement
- 1600.665 Providing Benefit Information for Divorce Purposes

STATE UNIVERSITIES RETIREMENT SYSTEM

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SUBPART G: BOARD TRUSTEE ELECTION

Section

1600.700	Nomination of Candidates
1600.705	Election Date/Election Day – Defined
1600.710	Petitions
1600.715	Eligible Voters
1600.720	Election Materials
1600.725	Marking of Ballots
1600.730	Return of Ballots and Ballot Counting Process
1600.735	Certification of Ballot Counting
1600.740	Challenges to Election Results
1600.745	Candidate Informational Communication
1600.750	Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended

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at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.140 Compliance with the Internal Revenue Code

- a) Purpose. This Section is intended to implement qualification requirements under IRC section 401(a) as applicable to governmental plans within the meaning of IRC section 414(d). The System is intended to be a qualified governmental plan under the meaning of those IRC provisions.
- b) Exclusive Benefit Rule and Nonreversion of Trust Assets. Prior to the satisfaction of all liabilities to participants or their beneficiaries, no part of the corpus or income of the System shall be used for, or diverted to, purposes other than for the exclusive benefit of the System's participants or their beneficiaries. No part of the System's assets may revert to the State of Illinois or any employer except in the case of a good faith mistake of fact as permitted by Revenue Ruling 91-4, 1991-1 C.B. 57.
- c) Nonforfeitable. Upon termination of the System or upon complete discontinuance of contributions to the System, the rights of each participant to benefits accrued to the date of the termination or discontinuance are nonforfeitable.
- d) USERRA. The provisions of Code Section 1-118 (concerning veterans' rights) shall be effective with respect to the System beginning December 12, 1994.
- e) Required Minimum Distributions. The provisions of Code Section 1-116.1 (concerning minimum required distributions) shall be effective with respect to the System beginning January 1, 1987. The System shall pay all benefits in accordance with a reasonable good faith interpretation of the requirements of IRC section 401(a)(9).
- f) Federal Contribution and Benefit Limitations. Pursuant to Code Section 1-116, the System shall comply with the applicable contribution and benefit limitations imposed by IRC section 415 for limitation years beginning on or after January 1, 1976.

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- g) Mortality Tables and Interest Rates. The mortality tables and interest rates adopted by the Board of Trustees of the System from time to time in accordance with Code Sections 15-124 and 15-125 shall apply to the System as though those provisions were fully set forth in Article 15 of the Code. This subsection (g) applies beginning July 1, 1963.
- h) Direct Transfer of Eligible Rollover Distributions. For distributions made on or after January 1, 1993, the System shall implement Code Section 1-106(b) (concerning direct rollovers) in accordance with IRC section 401(a)(31), as follows:
- 1) If a distributee becomes entitled to an eligible rollover distribution, the distributee may elect to have the distribution, or any portion of the distribution, paid directly to an eligible retirement plan specified by the distributee.
 - 2) The election made pursuant to this Section shall be in accordance with the terms and conditions established by the Board.
 - 3) Upon exercise of the election by a distributee pursuant to this subsection (h), the distribution from the System of the amount designated by the distributee shall be made in the form of a direct transfer to the specified eligible retirement plan.
 - 4) For purpose of this subsection (h), "distributee" means a member, a surviving spouse, or a former spouse under a domestic relations order that is treated as a qualified domestic relations order to the extent provided in IRC section 414(p)(11). For plan years beginning on or after January 1, 2010, a distributee further includes a nonspouse beneficiary who is a designated beneficiary as defined by IRC section 401(a)(9)(E). However, a nonspouse beneficiary may only make a direct rollover to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution, and the account or annuity shall be treated as an "inherited" individual retirement account or annuity.
 - 5) Eligible Rollover Distribution
 - A) For purposes of this subsection (h), "eligible rollover distribution" means a distribution from the retirement fund that constitutes an

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eligible rollover distribution within the meaning of IRC section 401(a)(31)(D), i.e., any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

i) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made:

- for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary; or

- for a specified period of 10 years or more;

ii) any distribution to the extent the distribution is required under IRC section 401(a)(9);

iii) the portion of any distribution that is not includible in gross income; or

iv) any distribution that is reasonably expected to total less than \$200 during the year.

B) Effective January 1, 2002, a portion of a distribution shall not fail to be an eligible distribution merely because a portion consists of after-tax contributions that are not includible in gross income. However, that portion may be transferred only:

i) to an individual retirement account or annuity described in IRC section 408(a) or (b) or to a qualified defined contribution plan described in IRC section 401(a) that agrees to separately account for amounts so transferred (and earnings on those amounts), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible;

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in IRC section 414(p), then the applicable requirements of IRC section 414(p) shall be followed by the System.

(Source: Added at 36 Ill. Reg. _____, effective _____)

OFFICE OF THE TREASURER

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- 1) Heading of the Part: Uniform Disposition of Unclaimed Property Act
- 2) Code Citation: 74 Ill. Adm. Code 760
- 3) Section Number: 760.21 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 11(b) of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025]
- 5) A Complete Description of the Subjects and Issues Involved: Having not been updated since 1996, the proposed changes bring greater compliance with the Act's intent to return property to its rightful owner in the most efficient and practical manner.

Currently, holders of unclaimed property are required to provide basic owner contact information (i.e. name, address, social security number, or federal employment identification number) if the individual presumptively abandoned asset is \$25.00 or greater. Any individual presumptively abandoned asset with a value of less than \$25.00 may be reported collectively, or in the "aggregate", with other similarly situated assets. Unfortunately, "aggregate" reports of these assets are not required to include basic owner contact information. Without the basic owner contact information, assets reported in the "aggregate" have little chance of being returned to its rightful owner.

The rule significantly increases the Office of the Treasurer's ability to return presumptively abandoned assets to the rightful owner by requiring basic contact information to be reported to the Office of the Treasurer for any asset valued at \$5.00 or more. The value of \$5.00 or more is utilized because the primary outreach technique employed by the Office of the Treasurer, the world wide web, contains every property currently held by the Office of the Treasurer valued at \$5.00 or more.

- 6) Proposed 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

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking significantly increases the ability of the Office of the Treasurer to meet a primary objection of the Uniform Disposition of Unclaimed Property Act – to return unclaimed assets to their rightful owner.
- 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:
- Bradley A. Rightnowar
Rules Coordinator
Office of the Illinois State Treasurer
1 West Old State Capitol Plaza
Springfield, Illinois 62701
- 217/557-9360
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As holders of presumptively abandoned property, small business, small municipalities, and not for profit corporations will be required to include in their existing reports to the Office of the Treasurer basic information (i.e. name, address, social security number, or federal employment identification number) of the owners of presumptively abandoned property they all ready have on file. These reports are typically done online and in electronic format.
- B) Reporting, bookkeeping or other procedures required for compliance: Given that holders of presumptively abandoned property already have basic information of the property's respective owner, no additional reporting, bookkeeping, or other procedures will be necessary other than including this information on their reports to the Office of the Treasurer.
- C) Types of professional skills necessary for compliance: None

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas as it was not anticipated by the Office of the Treasurer at the time of their respective publication.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURERPART 760
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section	
760.10	Definitions
760.15	Presumption of Abandonment
760.20	Negative Reports
760.21	Reporting
760.22	Format/Form of Reports
760.24	Incomplete/Inaccurate Report or Remittance
760.25	Filing Extensions
760.30	Safe Deposit Boxes
760.35	Due Diligence
760.40	Cost of Mailing
760.50	Nominee and Street Name Property
760.60	Lawful Charges
760.70	Discontinuance of Interest or Dividends
760.80	Statute of Limitations (Repealed)
760.85	Situs
760.89	Fees
760.90	Examination of Property Holders
760.92	Remittance of Securities and Commodities
760.94	Receipt and Sale of Securities and Commodities
760.95	Examination Gap
760.100	Claims
760.110	Hearings on Claims
760.115	Non-Claim Hearings

AUTHORITY: Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26].

SOURCE: Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 17 Ill. Reg. 123, effective December 21, 1992; emergency amendment at 17 Ill. Reg. 6321, effective April 6,

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1993; amended at 17 Ill. Reg. 9893, effective June 21, 1993; amended at 18 Ill. Reg. 18001, effective December 12, 1994; amended at 20 Ill. Reg. 8325, effective June 8, 1996; recodified from the Department of Financial Institutions (38 Ill. Adm. Code 180) to the State Treasurer, pursuant to PA 91-16, at 26 Ill. Reg. 8164; emergency amendment at 28 Ill. Reg. 13919, effective October 5, 2004, for a maximum of 150 days; emergency expired March 3, 2005; amended at 36 Ill. Reg. 12162, effective July 12, 2012; amended at 36 Ill. Reg. _____, effective _____.

Section 760.21 Reporting

a) Reporting Requirements

- 1) Business associations who have no reportable property and annual sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 49 or fewer persons, are not required to file annual reports under Section 11 of the Act.
- 2) Business associations who have no reportable property and annual sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 50 or more people but fewer than 100 persons, are required to file reports in even-numbered years on the reporting date specified in Section 11 of the Act.
- 3) Notwithstanding the provisions of subsections (a)(1) and (2), a business association must file a report with the State Treasurer for all reportable property.

b) Information to be Reported

In applying Section 11(d) of the Act, the verified information to be included on reports to the Treasurer shall include:

- 1) the name, Social Security or federal tax identification number, if known, and last known address, including zip code, of each person appearing from the records of the holder to be the owner of any property of the value of \$5 or more presumed abandoned under the Act;
- 2) in case of unclaimed funds of life insurance corporations, the full name of the insured and any beneficiary or annuitant and the last known address according to the life insurance corporation's records; and

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3) the date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property.

cb) Within counties having a total population under 100,000, the County and Municipal Governments and Special Taxing Districts are only required to file a report with the Treasurer for reportable property.

de) In applying Section 10.5(d) of the Act, fraudulent reporting includes, but is not limited to, a determination by a court or administrative hearing that a holder has fraudulently reported or fraudulently failed to remit presumptively abandoned property.

ed) In applying Section 10.5(d) of the Act, failure to report includes, but is not limited to, the issuance by the Treasurer of a Notice of Delinquency on a report filed by a holder.

fe) A report required to be filed under the Act is deemed received and filed when it has been delivered complete, accurate and in correct form to the Treasurer's Unclaimed Property Division office at 1 West Old Capitol Plaza, Suite 400, Springfield IL 62701-1390, and includes any required remittance.

gf) A report will be deemed not to be timely received and filed under the Act if it:

1) is submitted after the required filing date;³⁵

2) is submitted in other than a form authorized in Section 760.22;³⁵

3) is unsigned or undated;³⁵

4) is incomplete, as defined in Section 760.24;³⁵

5) is inaccurate, as defined in Section 760.24;³⁵

6) is without the required remittance;³⁵ or

7) does not meet any other requirement under the Act.

hg) Reportable property that is not timely reported and remitted by a holder on the

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first reporting date specified in Section 11 of the Act after the property's initial date of presumptive abandonment must be reported upon discovery of the omission. The holder in the report must identify this property as being reported late and the reason.

- | [ih](#)) Any remittance submitted under ~~the~~[this](#) Act must be made in United States Currency. Any submission made in foreign currency, money, checks or any other medium of a foreign country is unacceptable.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Number:</u>	<u>Adopted Action:</u>
40.100	Amendment
40.120	Amendment
40.160	Amendment
40.170	Amendment
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/205-410]
- 5) Effective Date of Amendments: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 20, 2012; 36 Ill. Reg. 5888
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Non-substantive grammatical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 40.100 is being amended to address cattle entering the livestock auction market from brucellosis class free states or areas may be sold without test for brucellosis to be identified with an approved official eartag.

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NOTICE OF ADOPTED AMENDMENTS

Section 40.170 addresses swine entering the livestock auction market from brucellosis stage free states or areas that may be sold without test for brucellosis.

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

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

PART 40
LIVESTOCK AUCTION MARKETS

Section

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

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

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SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20 Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective August 9, 1999; amended at 26 Ill. Reg. 127, effective January 1, 2002; amended at 26 Ill. Reg. 14624, effective September 23, 2002; amended at 28 Ill. Reg. 13396, effective October 1, 2004; amended at 30 Ill. Reg. 16576, effective October 9, 2006; amended at 36 Ill. Reg. 13585, effective September 1, 2012.

Section 40.100 Brucellosis Test

- a) Cattle entering the livestock auction market from brucellosis class free states or areas may be sold without testing for brucellosis.
- b) Cattle sold through the livestock auction market, other than those going direct to slaughter, and those that are not required to be tested for brucellosis, shall be identified with an approved, official eartag. Eartag identification of cattle, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before the cattle leave the livestock auction market.
- c) All cattle entering the livestock auction market from states or areas other than brucellosis class free states must be in compliance with the following:
 - 1a) Except as otherwise provided in 8 Ill. Adm. Code 40.110 and 40.120, no female cattle more than 6 months of age or bulls over 18 months of age shall be sold unless ~~thesueh~~ cattle have been tested for brucellosis and were found negative within 60 days prior to sale. ~~TheSueh~~ test shall be recognized for one change of ownership or premises only within the 60-day period, except that ~~thesueh~~ cattle may change ownership or premises one or more times in the 14-day period immediately following the negative test.

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- 2b)** The livestock auction market veterinarian shall submit a copy of the Brucellosis Test Record, Market Cattle Testing Program, VS Form 4-54 and all blood samples to a ~~Department-approved laboratory~~the State Federal Serology Laboratory, Springfield, Illinois, following each sale.

(Source: Amended at 36 Ill. Reg. 13585, effective September 1, 2012)

Section 40.120 Feeder Cattle Subject to Quarantine

All female cattle of beef breeds over 6 and under 18 months of age from states that are not brucellosis ~~class free~~Class Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, October 1, 2003) and the United States Department of Agriculture and/or 9 CFR 78.1 (~~20112005~~) sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department following each sale or at the end of each week.

(Source: Amended at 36 Ill. Reg. 13585, effective September 1, 2012)

Section 40.160 Sale Day

The regular sale day shall be recorded with the Department ~~of Animal Industries~~. All special sales or changes in the regular sale day shall be reported to the Department at least 5 days prior to ~~the~~such change or sale.

(Source: Amended at 36 Ill. Reg. 13585, effective September 1, 2012)

Section 40.170 Swine

- a) In no case shall swine remain on the livestock auction market premises for more than 10 days.
- b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be eartagged to show state of origin, except that feeder swine consigned from the farm of origin directly to a federally approved market shall be tagged immediately upon arrival at the market. ~~The~~Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made to the Department within 48 hours after the time of sale (on

DEPARTMENT OF AGRICULTURE

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Form Z-5) ~~to the Department~~, stating name and address of purchaser and number of animals purchased.

- c) Eartag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.
- d) Swine entering the livestock auction market from brucellosis class free states or areas may be sold without testing for brucellosis. In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act [225 ILCS 95/2], all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. ~~The Such~~ test shall be recognized for one change of ownership or premises only within the 60-day period.

(Source: Amended at 36 Ill. Reg. 13585, effective September 1, 2012)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
75.5	Amendment
75.10	Amendment
75.15	Amendment
75.90	Amendment
75.120	Amendment
75.130	Amendment
75.160	Amendment
75.180	Amendment
75.190	Amendment
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) Effective Date of Amendments: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 20, 2012; 36 Ill. Reg. 5894
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Non-substantive grammatical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Update references to the Code of Federal Regulations; strike references to the State-Federal Serology Laboratory and replace with Department-approved laboratory; amend Section 75.130 to address untested heifers between 6 and 18 months of age from non-brucellosis states or areas may enter Illinois. Section 75.160 is being amended to address female cattle entering Illinois to include beef breeds and dairy breeds. Section 75.180 is striking reference to Dairy or Beef in the Section title and subsection (b) is including all unvaccinated dairy or beef heifers over 6 months of age and bulls more than 18 months of age originating from Non-Brucellosis Class Free States, areas or countries and bison over 6 months of age.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

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

PART 75
 BOVINE BRUCELLOSIS

Section

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AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. 9764, effective August 9, 1999; amended at 28 Ill. Reg. 13400, effective October 1, 2004; amended at 30 Ill. Reg. 10067, effective May 22, 2006; amended at 34 Ill. Reg. 19376, effective January 1, 2011; amended at 36 Ill. Reg. 13591, effective September 1, 2012.

Section 75.5 Definitions

The definitions for this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following ~~definitions~~ ~~definition~~ shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by ~~the such~~ breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (USDA) (9 CFR 51.1, ~~2011~~2005).

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(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

- a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, October 1, 2003) and the USDA and/or 9 CFR 78.1 (~~2011~~2009).
- b) The Buffered Acidified Plate Antigen (BAPA) test or other official test approved by the USDA and Department shall be the official tests used at licensed livestock auction markets in the State.
- c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.15 Permits to Conduct Official Brucellosis Tests

- a) A permit to operate a laboratory to conduct blood serum agglutination tests for brucellosis will be issued when the applicant has:
 - 1) Completed a Department permit application and returned it to the Department.
 - 2) Received oral instruction on testing procedures from ~~Department~~State-Federal Serology Laboratory personnel.
 - 3) Completed a check test conducted at a Department-approved laboratory~~the State-Federal Serology Laboratory~~ of 100 bovine brucellosis serum samples, with a score of at least 90% accuracy.
- b) Retesting of the person permitted to operate a laboratory to conduct brucellosis tests will occur when tests performed by the permittee fail to disclose three or more reactors as determined by confirmation tests at a Department-approved laboratory~~the State-Federal Serology Laboratory~~.

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- c) The Department may suspend or revoke a permit to operate a laboratory when the permittee does the following:
- 1) Fails to follow the instructions provided by the ~~Department~~State-Federal Serology Laboratory regarding testing procedures and required testing equipment.
 - 2) Fails to maintain the laboratory and laboratory equipment in a clean and sanitary condition.
 - 3) Fails to keep all required reagents, forms and testing supplies under the control of the permittee at all times.
 - 4) Fails to submit testing records and blood serum samples to the Department as prescribed for confirmatory testing.
 - 5) Fails retesting as provided for in subsection (b).

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.90 Release of Herds ~~of~~ Cattle or Bison Under Quarantine

- a) Herds ~~that which~~ disclose reactors shall be quarantined until depopulated or official tests indicate brucellosis infection no longer exists in the herd.
- b) An additional official test of all test-eligible cattle or bison in the herd is required not less than 6 months after release of the herd quarantine or not less than 10 months after removal of the last reactor. For the purpose of this Section, "test-eligible" cattle or bison means all cattle or bison 6 months of age or over except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds or bison and 20 months of age for dairy breeds.
- c) ~~The Such~~ herd retests shall be conducted at State-Federal expense ~~if provided,~~ funds are available. The blood samples shall be submitted for diagnosis to an approved laboratory.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free

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Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; October 1, 2003) and the USDA and/or 9 CFR 78.1 (~~2011~~2009).

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.130 Feeding or Grazing Cattle

- a) All steers, ~~and~~ spayed heifers, and calves ~~of the beef breeds~~ under 6 months of age may enter Illinois when accompanied by an official interstate health certificate ~~or OR~~ by a permit from the Department. A permit may be obtained by telephoning or writing the Department. Steers and spayed heifers are not subject to quarantine restrictions.
- b) Heifers, untested, ~~of the beef breeds~~ over 6 months of age and under 18 months for feeding and grazing purposes only from Non-Brucellosis Class Free States ~~Class A, B, or C states~~ or areas may enter Illinois when accompanied by an official interstate health certificate ~~and AND~~ a permit from the Department. They are placed under quarantine at destination and shall be held under quarantine for the period of feeding, not to exceed 12 months, with an extension of 90 days granted on request to the Department. Heifers, untested, ~~of the beef breeds~~ over 6 months of age and under 18 months for feeding and grazing purposes only from Class Free States ~~states~~ may enter Illinois when accompanied by an official interstate health certificate and will not be placed under quarantine at destination.
- c) The owner shall report to the Department the disposition of heifers ~~that which~~ are under quarantine for feeding and grazing purposes. If ~~those such~~ heifers are retained longer than the allowed feeding period, they shall be tested for brucellosis at the owner's expense. All brucellosis blood tests for release of quarantine shall be conducted at an approved laboratory.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.160 Female Cattle —~~Beef Breeds~~— 18 Months and Over

Female cattle ~~of the beef breeds~~ 18 months of age and over, for feeding or grazing purposes only,

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may enter Illinois if they are accompanied by an official interstate health certificate showing:

- a) Negative brucellosis blood test conducted at a state or Federal Laboratory within 30 days prior to entry; ~~or, OR~~
- b) The animals to be under 24 months of age for beef breeds and under 20 months of age for dairy breeds and officially calfhood vaccinated against brucellosis; ~~or, OR~~
- c) Originated from a Brucellosis Class Free State, area, or country or a certified brucellosis-free herd ~~Certified Brucellosis-Free Herd~~.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.180 Dairy or Beef Cattle or Bison

- a) All sexually intact cattle or bison transported or moved into the State of Illinois, unless ~~those said~~ cattle or bison are consigned directly direct to slaughter and delivered by the transportation company within the confines of a public stockyards, livestock auction market or marketing center, shall be accompanied by an official certificate of health showing:
 - 1) All such cattle or bison over 6 months of age are negative to brucellosis blood test within 30 days prior to shipment; ~~or, OR~~
 - 2) All cattle originated from a certified brucellosis-free herd ~~or, Class Free State, area, or country, or are~~ bison from a certified brucellosis-free herd. State status is not recognized for bison. Certified herd number shall be given and the cattle or bison shall be identified by ear tag number, registration name and number, dam's registration number, or record association approved individual tattoo; ~~or, OR~~
 - 3) Cattle are official brucellosis calfhood vaccinates under 24 months of age for beef breeds or bison and 20 months of age for dairy breeds.
- b) All unvaccinated ~~dairy or beef~~ heifers over 6 months of age, bulls more than 18 months of age originating from Non-Brucellosis Class Free States, areas, or countries, and bison over 6 months of age ~~or bulls more than 18 months of age~~ moving through an out-of-state auction market or marketing center must be

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accompanied by an official health certificate showing a negative test for brucellosis within 30 days prior to entry, ~~regardless of state or herd status.~~
Official brucellosis calfhood vaccinates do not need to be tested until they are 24 months of age for beef breeds and bison and 20 months of age for dairy breeds.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

Section 75.190 Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States

- a) In addition to other entry requirements, a prior permit must be obtained for all cattle or bison, except those consigned ~~directly direct~~ to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the USDA (October 1, 2003). ~~Prior Such prior~~ permits shall be obtained by contacting the Bureau of Animal Health ~~and Welfare~~, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and description of the cattle, along with the number of animals in the shipment, is necessary for obtaining a permit.
- b) Breeding cattle or bison 12 months of age or over from ~~Class B and Class C States such states~~ shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle or bison originating from certified brucellosis-free herds are exempt from this provision.
- c) All female cattle or bison born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle or bison may be spayed after entry into Illinois with prior approval from the Department, which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C ~~States states~~ must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B ~~States states~~ entering Illinois for feeding purposes only may be identified with a hot iron brand on either hip using the letter F of not

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less than three inches in height.

- d) Female cattle or bison, except those consigned directly to slaughter, entering Illinois from Class C ~~States states~~ shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle or bison may be spayed after entry into Illinois with prior approval from the Department, which will be given upon receipt of the name of the veterinarian who will be performing the operation.
- e) Calves under two months of age not accompanied by their dams may be imported from Class C ~~States states~~ if they meet the following requirements:
 - 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
 - 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official eartags. The eartag numbers shall be recorded on the Certificate.

(Source: Amended at 36 Ill. Reg. 13591, effective September 1, 2012)

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- 1) Heading of Part: Swine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 100
- 3) Section Number: 100.30 Adopted Action: Amendment
- 4) Statutory Authority: Illinois Swine Brucellosis Eradication Act [510 ILCS 95], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]
- 5) Effective Date of Amendment: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 20, 2012; 36 Ill. Reg. 5904
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Update reference to the Code of Federal Regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes

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

Telephone: 217/785-5713

Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

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

PART 100
SWINE BRUCELLOSIS

Section

- 100.10 Requirements for Establishing and Maintaining Validated Brucellosis-Free Herds of Swine
- 100.20 Brucellosis Reactors Disclosed in Non-Validated Swine Herds
- 100.30 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Swine Brucellosis Eradication Act [510 ILCS 95], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]

SOURCE: Adopted at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; codified at 5 Ill. Reg. 10460; amended at 7 Ill. Reg. 871, effective January 10, 1983; amended at 11 Ill. Reg. 10531, effective May 21, 1987; amended at 12 Ill. Reg. 3432, effective January 22, 1988; amended at 14 Ill. Reg. 1953, effective January 19, 1990; amended at 20 Ill. Reg. 1557, effective January 12, 1996; amended at 23 Ill. Reg. 456, effective January 1, 1999; amended at 36 Ill. Reg. 13601, effective September 1, 2012.

Section 100.30 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag (9 CFR 78.33, [2011+998](#)). Incorporation by reference does not include any later amendments or editions beyond the date specified. A report of such identification (9 CFR 78.33(d), [2011+998](#)) shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application.

(Source: Amended at 36 Ill. Reg. 13601, effective September 1, 2012)

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- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
105.10	Amendment
105.30	Amendment
105.90	Amendment
105.120	Amendment
105.130	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) Effective Date of Amendments: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 20, 2012; 36 Ill. Reg. 5907
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: Non-substantive grammatical and format changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: Update references to the Code of Federal Regulations, and in Section 105.130 remove criteria for approved ear tags that conform with a nine digit alphanumeric system or with a three letter and four number system on one side.
- 16) Information and questions regarding this rulemaking shall be directed to:

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 105
SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine (Repealed)
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales
105.110	Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales
105.120	Illinois Exhibition Swine
105.130	Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

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SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8625, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16635, effective November 1, 2000; amended at 26 Ill. Reg. 98, effective January 1, 2002; amended at 26 Ill. Reg. 14630, effective September 23, 2002; amended at 36 Ill. Reg. 13604, effective September 1, 2012.

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.
- b) The official ~~Official~~ health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;

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- 4) Show that the feeder swine are not from a quarantined herd and/or area;
 - 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
 - 6) Show that the swine originate from a herd in which a representative sample of the herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd that is conducting monthly monitoring tests, or originate from a state that has been classified as Stage IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by ~~the this~~ Department as the classification for that entire state.
- c) Permits:
- 1) Permits to import feeder swine shall only be issued to:
 - A) An Illinois licensed feeder swine dealer; and
 - B) A person importing pigs to feed on his ~~or her~~ own premises and not for resale other than to slaughter.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination.
 - B) Name and address of consignor.
 - C) Number of swine in shipment.
 - D) Pseudorabies vaccination status of swine.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or this Part.

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- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
- C) Presence of a disease ~~that which~~ might endanger the Illinois swine industry.
- d) Imported isowean or feeder swine from Stage I or II states shall be quarantined to the Illinois premises until a 95/10 random sample test has been performed on the imported animals 21 to 60 days post-importation.
- e) Feeder swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85, ~~20112002~~) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

(Source: Amended at 36 Ill. Reg. 13604, effective September 1, 2012)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, or of breeding age, returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of the state of origin;
 - 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
 - 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - 5) Show that the swine are not from a quarantined herd and/or area;

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- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, ~~or~~ ~~OR~~ that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, ~~or~~ ~~OR~~ that the swine originate from a validated brucellosis-free state or area (Swine Brucellosis Eradication Uniform Methods and Rules); and
 - 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 15 days prior to entry ~~or~~ ~~OR~~ that the swine originated from a qualified pseudorabies negative herd where at least half of the last monitoring test has been conducted within 15 days (testing half of the required monthly number of swine every 15 days is acceptable – Stage I or II states only; monthly testing is acceptable in Stage III states), with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of swine, ~~or~~ ~~OR~~ that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by ~~the this~~ Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.
- c) Permits:
- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor;
 - C) Number of swine in shipment; and

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- D)** Pseudorabies vaccination status of swine.
- 3) Grounds for refusal to issue a permit are:
- A) Violation of the Act or this Part; and
- B) Presence of a disease ~~that which~~ might endanger the Illinois swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards ~~are is~~ exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by ~~the this~~ Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.
- e) Breeding swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85, ~~20112002~~) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

(Source: Amended at 36 Ill. Reg. 13604, effective September 1, 2012)

Section 105.90 Feral Swine

- a) Feral swine may enter Illinois for any reason provided they are accompanied by a permit from the Department and an official health certificate.
- b) The official health certificate shall:

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- 1) be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
 - 2) be approved by the Animal Health Official of the state of origin;
 - 3) identify each animal by official ear tag;
 - 4) show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - 5) show the swine are not from a quarantined herd and/or area;
 - 6) show any swine to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry; and
 - 7) show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry.
- c) Permits:
- 1) Permits to import feral swine shall be issued by telephoning or writing the Department.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and mailing address of Illinois destination;
 - B) Name and address of consignor; and
 - C) Number of swine in shipment.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or ~~any rule of~~ this Part; and
 - B) Presence of a disease ~~that which~~ might endanger the Illinois swine industry.

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- d) A percentage of the swine shall be retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested.

(Source: Amended at 36 Ill. Reg. 13604, effective September 1, 2012)

Section 105.120 Illinois Exhibition Swine

Illinois exhibition swine of any age must meet the following requirements:

- a) Be accompanied by a health certificate issued within 90 days prior to exhibition and individually identified by an official ear tag, tattoo or recognized ear notch. Ear notch identification is acceptable for barrows, crossbred gilts and breeding swine.
- b) The official ~~Official~~ health certificate shall:
- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
 - 3) Show that the exhibition swine are not from a quarantined herd and/or area; and
 - 4) Show that the swine are negative to an official test for pseudorabies conducted within the 90 days prior to exhibition; or that the swine originated from a qualified pseudorabies negative herd and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate.
- c) Illinois swine exhibited in Stage I or Stage II states or out-of-state shows allowing Stage I or II state pigs to exhibit returning to Illinois must be isolated and retested negative to an official test for pseudorabies 21-60 days after returning to Illinois

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before being able to be exhibited in Illinois or return to the herd of origin.

- d) Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held "exhibits not intended for slaughter." When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Amended at 36 Ill. Reg. 13604, effective September 1, 2012)

Section 105.130 Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

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

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

"Herd" or "premises" means all animals under common ownership or supervision on a specific geographic area. The herd or premises is defined by the owner and veterinarian, and may include all or a portion of pork production under their control. A premises describes a physical space that is dedicated for use by the producer when entering the PRRS monitored herd program. For an entire production system to be monitored, all phases of production must be sampled and participate in the program. Producers can select the production group they wish to monitor. All phases of production up to and including the "selected" group must participate in the program. If multiple locations input swine into the proposed PRRS monitored production herd or premises, all sites must be sampled separately to validate the final PRRS monitoring herd defined premises.

"PRRS" means porcine reproductive and respiratory syndrome.

- b) Criteria for herd to enter into or to remain in the voluntary monitoring herd program:

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- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
- 2) All breeding swine that have been tested must have permanent identification such as registry association approved individual tattoo, ear notch, registration number or approved ear tags. "Approved ear tags" means any ear tag that is tamper resistant and; has been approved for use ~~either~~ by the USDA ~~or the Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postage code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side.~~ Information concerning manufacturers of approved ear tags may be obtained from the Department.
- 3) The owner annually signs a producer agreement form verifying that the producer or manager:
 - A) understands the clinical signs of PRRS;
 - B) identifies a herd veterinarian;
 - C) agrees to work with that veterinarian in the event clinical signs of PRRS develop;
 - D) identifies the premises and animal production groups that will be monitored and the average number of animals per premises or production group; and
 - E) outlines the testing procedure employed to verify PRRS testing qualifications.
- 4) Quarter sample size for initial monitoring for all production systems and for monitoring phase for farrow-weaning sites (Table A):

Population size: Breeding females or maximum G-F	Breeding herd females	G-F Swine (Grow-Finisher)
10 and under	9	9
11-20	15	15

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21-30	18	18
31-40	20	20
41-50	22	22
51-100	25	25
101-200	27	27
201-1000	28	28
1001 and above	29	29

- 5) ~~Quarter~~ ~~Quarterly~~ sample size for monitoring phase for farrow-finish and farrow-feeder pig herds (Table B):

<u>Population size: Breeding females or maximum G-F</u>	<u>Breeding herd females</u>	<u>G-F Swine (Grow-Finisher)</u>
10 and under	7	7
11-20	10	10
21-30	11	11
31-40	12	12
41-50	12	12
51-200	13	13
201 and above	14	14

- 6) Upon completion of the four qualifying tests, the Director shall issue a certificate of PRRS monitoring for the herd. A new certificate will be issued annually upon completion of the required monitoring test and the receipt of the annual producer agreement form.
- c) Procedure for monitoring farrow-finish and seedstock producer herds:
- 1) Initial herd monitoring:
- A) Test the required number of swine (Table A) in the grow-finisher herd at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total).
- B) Blood test the required number of breeding stock (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total). No sow shall be sampled twice with 101 sows or more in the breeding herd. Individual identification is required.

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- C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all co-mingled animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
 - D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) Test animals in the grow-finisher according to Table B on 90-day intervals (+ or - 15 days). Pigs must weigh at least 90 pounds.
 - B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.
 - C) Additions to the herd shall be as prescribed in subsection (c)(1)(C) above.
- d) Procedure for monitoring farrow-feeder pig premises:
- 1) Initial herd monitoring:
 - A) Test the required number of feeder pigs (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). The sample should represent the oldest pigs in the nursery. Pigs must be present in the nursery at least two weeks prior to the sampling to be eligible for testing. No identification is required. Multiple pens and litters must be sampled.
 - B) Test the required number of breeding swine (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). No sow will be sampled twice in herds of 101 or more sows during the year. Individual identification is required.

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- C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the test can the animal be released from isolation. If a positive animal is detected, all in-contact animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
 - D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) Test the feeder pigs according to Table B on 90-day intervals (+ or - 15 days). The sample should represent the oldest pigs in the nursery. Pigs must be present in the nursery at least two weeks prior to the sampling to be eligible for testing. No identification is required. Multiple pens and litters must be sampled.
 - B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.
 - C) Additions to the herd shall be as prescribed in subsection (d)(1)(C) above.
- e) Procedure for monitoring farrow-weaning pig premises:
- 1) Initial herd monitoring:
 - A) No piglet sampling is required.
 - B) Test the required number of breeding swine (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests). No sow will be sampled twice in herds of 101 or more sows during the year. Individual identification is required.

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- C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all in-contact animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
 - D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) No piglet sampling is required.
 - B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation and off-premises gestation). Individual identification is required.
 - C) Additions to the herd shall be as prescribed in subsection (e)(1)(C) above.
- f) Procedure for monitoring boar stud premises where only seronegative boars can reside:
- 1) Initial herd monitoring:
 - A) All boars must be tested every six months (+ or - 15 days) for a period of 12 months (two tests).
 - B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.
 - 2) Maintenance of monitored herd status:

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- A) Test the required number of boars (Table B) every 90 days (+ or - 15 days).
 - B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.
- g) Suspension or revocation of monitored herd status:
- 1) If a positive animal is detected during a monitoring test, the monitored herd status shall be suspended until all in-contact animals have been retested 30-40 days after the positive is disclosed. Any PRRS positive animals must be promptly removed from the monitored premises. If subsequent positives are revealed, the monitored herd status shall be revoked.
 - 2) Failure to conduct the required testing shall result in the revocation of the monitored herd status.

(Source: Amended at 36 Ill. Reg. 13604, effective September 1, 2012)

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- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.10	Amendment
110.50	Amendment
110.90	Amendment
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) Effective Date of Amendments: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 20, 2012; 36 Ill. Reg. 5924
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A new subsection "(c)" is being added in Section 110.50, Minimum Fees, addressing necropsy fees.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: Updating fees for bacterial serology tests and necropsies.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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

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

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

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effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. 19768, effective January 1, 2012; amended at 36 Ill. Reg. 13621, effective September 1, 2012.

Section 110.10 Definitions

"Accession" is one animal or group of animals or samples from the same location, representative of a single disease or disease problem, and received at the laboratory on the same day.

"C" indicates the test is performed at the Animal Disease Laboratory – Centralia.

"Department" means the Illinois Department of Agriculture.

"G" indicates the test is performed at the Animal Disease Laboratory – Galesburg.

"I" indicates inactive test; call the laboratory prior to submission.

"Non-agricultural samples" include all samples of municipal and private water submitted for potability testing and/or chemical or bacteriological screening; all samples from companion animals~~members of the canine or feline species~~ for any type of procedure or testing; all samples submitted for Meats chemistry analysis, other than those submitted by ~~Illinois~~ Department ~~of Agriculture~~ personnel; and all environmental samples (soil, water or vegetation) not involved with production of a cash or feed crop.

"S" indicates the test is performed at the State-Federal Serology Laboratory, Springfield.

"Specimen" is any animal or plant tissue or substance to which a test or procedure is applied.

(Source: Amended at 36 Ill. Reg. 13621, effective September 1, 2012)

Section 110.50 Minimum Fees

- a) A submission fee of \$2 per accession shall be charged on all accessions. ~~Persons submitting specimens for which there are no charges for the laboratory procedure~~

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~~shall be exempt from the minimum fee.~~

b) The necropsy fee is ~~dependent upon animal size~~ \$45 per accession. Fee schedules are available at the laboratories or the Department's website: www.agr.state.il.us. A fee cap of \$150 will apply to diagnostic cases with necropsies when multiple tests are required to complete a diagnosis. Mailed-in cases with multiple tests in which the practitioner has necropsied the animals will be subject to the same \$150 fee cap. Toxicology tests and disposal ~~charges for~~ the carcasses ~~are not~~ will not ~~be~~ included in the cap and will be billed according to the fee schedule. Upon submission, all carcasses become the property of the State of Illinois, to be disposed of in any manner consistent with Illinois law. No portion ~~of the carcasses~~ thereof, except the ashes resulting from cremation of the carcass, will be returned to the previous owner.

c) Necropsy fees will be as listed in this subsection. "Weight" means the weight of each animal included in an accession. "Number" means the maximum number of animals that can be included in a single accession for the designated necropsy fee. "Additional Animal Fee" is the extra charge for each animal added to an accession beyond the maximum specified in the second column. For example, if 4 pigs, each weighing 20 pounds, are submitted, the fee will be \$65 (\$45 for the first 3 animals plus \$20 for the additional animal).

<u>Weight (lbs.)</u>	<u>Number</u>	<u>Necropsy Fee</u>	<u>Additional Animal Fee</u>
<u>0-34</u>	<u>3</u>	<u>\$45</u>	<u>\$20</u>
<u>35-149</u>	<u>2</u>	<u>\$45</u>	<u>\$25</u>
<u>150-499</u>	<u>1</u>	<u>\$45</u>	<u>\$30</u>
<u>500 or more</u>	<u>1</u>	<u>\$60</u>	<u>\$35</u>

d) Toxicologic tests shall be performed only after consultation with, and approval from, the person who requested the laboratory services at the fees set forth in this Part.

~~All fees shall be doubled on all out-of-state owners, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.~~

e) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will

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apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours.

(Source: Amended at 36 Ill. Reg. 13621, effective September 1, 2012)

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

- a) Bacteriology, Mycoplasma and Fungi
- | | |
|---|------------|
| 1) Aerobic or anaerobic culture without sensitivity testing | 15.00 C, G |
| 2) Antibiotic sensitivity (per isolate). | 10.00 C, G |
| 3) Milk samples for mastitis evaluation per sample | 4.00 C, G |
| 4) Leptospirosis culture per specimen | 20.00 G |
| 5) Fluorescent Antibody Test (FA)..... | 15.00 C, G |
| 6) Campylobacter (culture)..... | 15.00 C, G |
| 7) Salmonella (enrichment media, per site or pool)..... | 10.00 C, G |
| Salmonella, poultry-house drag swabs | 45.00 G |
| Salmonella enteritidis Test, Poultry | 20.00 G |
| 8) Hemophilus (culture)..... | 8.00 C |
| 9) Bordetella culture | 10.00 C, G |
| 10) Listeria (cold enrichment) | 10.00 C, G |
| 11) Brachyspira (Swine Dysentery)..... | 12.50 C, G |

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12)	Johne's (MAP)	15.00	C, G
13)	Return culture for bacterin production per organism (plus shipping)	4.00	C, G
14)	Mycology Culture	10.00	C, G
15)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00	C, G
	Microscopic examination, acid-fast-stained smears	7.00	C, G
16)	Mycoplasma Culture	12.00	C, G
17)	Trichomonas transport media	actual cost plus shipping	C, G
18)	PCR testing	35.00	G
19)	Clostridium difficile toxin ELISA (per sample or pool)	30.00	C, G
b)	Food safety microbiology		
1)	Culture, antibiotic residue growth inhibition	28.70	C
2)	Culture, bacterial, aerobic, quantitative	25.20	C
3)	Culture, bacterial, aerobic, quantitative, E. coli	25.20	C
4)	Culture, bacterial, anaerobic quantitative	25.20	C
5)	Culture, bacterial, Escherichia coli O157	25.20	C
6)	Enzyme-linked FA test, Escherichia coli O157	60.00	C
7)	Enzyme-linked FA test, Listeria	42.70	C
8)	Enzyme-linked FA test, Salmonella (HACCP)	46.05	C

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9)	Enzyme-linked FA test, staphylococcus enterotoxins	49.70 C
10)	Ready To Eat (RTE) products – 325 gm sample.....	83.30 C
c)	Water safety microbiology	
1)	Water Potability Test – Municipal – Total & Fecal coliform (includes new construction)	16.00
2)	Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....	16.00 C
3)	Water Bacterial ID Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID	20.00 C
4)	Culture, aerobic quantitative, Enterococcus.....	7.00 C
5)	Culture, aerobic, quantitative, Total coliforms	7.00 C
6)	Standard Plate Count.....	10.00 C
7)	Culture, bacterial, aerobic, quantitative, E. coli.....	7.00 C
8)	Culture, bacterial, denitrifying bacteria, quantitative.....	13.00 C
9)	Culture, bacterial, iron-reducing bacteria, quantitative	13.00 C
10)	Culture, bacterial, nitrifying bacteria, quantitative	13.00 C
11)	Culture, bacterial, sulfate-reducing bacteria, quantitative	13.00 C
12)	Culture, viable Helminth ova	7.00 C
13)	Free chlorine or total chlorine, colorimetric.....	7.00 C
14)	Microscopic exam	6.00 C
15)	Nitrate, colorimetric	7.00 C

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d) Bacterial serology

	1)	Brucella abortus (BAPA, card, std plate).....	2.50-50	C, G, S
	2)	Brucella abortus (std tube).....	2.50-50	C, G
	3)	Brucella canis card test	15.00	C, G
	4)	Brucella abortus RAP	2.50N/C	G
	5)	Brucella abortus rivanol.....	10.00N/C	C, G
	6)	Brucella abortus (BAPA, card, std plate: out of state)....	1.00	C, G, S
	<u>67</u>)	Brucella abortus (species other than bovine, porcine and canine).....	2.50 <u>1.00</u>	C, G, S
	<u>78</u>)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals.....	24.00	C
	<u>89</u>)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)	12.00	C
	<u>940</u>)	Mycoplasma hypopneumoniae	4.00	G
	<u>1044</u>)	Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately).....	2.00	G
	<u>1142</u>)	Salmonella typhumurium.....	1.00	G
	<u>1243</u>)	Salmonella pullorum.....	1.00	G

e) Virology

1)	Electron Microscopy – fecal.....	20.00	G
2)	Pseudorabies Serology (AutoLex or ELISA).....	1.00	C, G
	Pseudorabies Serology Out-of-State.....	3.00	C, G
	Pseudorabies Serology end titer	3.00	C

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	Pseudorabies Serology (request for screen at dilution of 1:2, SN).....	3.00	C
	Pseudorabies (Latex)	3.00	C
3)	Fluorescent Antibody Test.....	15.00	C, G
4)	Rabies	15.00	C, G
5)	Disposal for rabies suspect carcass.....	.50 per pound	C, G
6)	Virus Isolation (per virus)	25.00	C, G
7)	Unlisted Viral Serology (each disease) per sample	5.00	C, G
8)	Feline SNAP Triple (Heartworm, FeLV, FIV).....	25.00	C
9)	Feline Infectious Peritonitis (F.I.P. cELISA)	22.00	C
10)	Canine parvovirus SNAP fecal.....	12.00	C
11)	PRRS (1:20, IFA)	4.00	C, G
	PRRS ELISA	6.00	C, G
	PRRS PCR.....	35.00	G
	PRRS IFA US strain	8.00	G
	PRRS IFA, Lelystad	8.00	G
	Swine influenza virus ELISA (per serotype)	8.00	
12)	Bovine virus diarrhea (BVD PI) immunohistochemistry (formalin fixed ear notches)	3.50	C, G
	Bovine virus diarrhea (BVD PI) Antigen Capture ELISA (serum or fresh ear notches)	5.00	C

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13)	TGE/PRCV Differential ELISA (per specimen)	6.00	C, G
14)	RT-PCR Testing	35.00	G
f)	Miscellaneous serology		
1)	EIA-AGID.....	8.00	C, S
	EIA-ELISA	10.00	C, S
2)	Bluetongue (AGID or ELISA).....	3.50	C
3)	Bovine leukemia virus (BLV-AGID)	5.00	C
	Bovine leukemia virus (BLV-ELISA).....	5.00	C
4)	Vesicular stomatitis.....	5.00	C
5)	Johne's ELISA.....	5.00	C
6)	Johne's ELISA goats	6.00	C
7)	Ovine Progressive Pneumonia (OPP) AGID	5.00	C
8)	Caprine Arthritis Encephalitis (CAE AGID).....	5.00	C
	Caprine Arthritis Encephalitis (CAE ELISA).....	6.00	C
9)	Serology Spin Charge (per specimen)	1.00	C, G
10)	Anaplasmosis ELISA.....	7.00	C
11)	Blastomycosis AGID	10.00	C
12)	Neospora ELISA.....	7.00	C
13)	IgG levels (Bovine, Equine, Camelids)	12.00	C
14)	Enzootic Hemorrhagic Disease of deer (EHD AGID)	3.00	C

(Source: Amended at 36 Ill. Reg. 13621, effective September 1, 2012)

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- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
295.100	Repeal
295.200	Amend
295.300	Amend
295.500	Amend
295.600	Amend
295.700	Amend
295.1100	Amend
295.1110	New
295.3040	Amend
295.7010	Amend
- 4) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]
- 5) Effective Date of Rulemaking: August 16, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 3, 2012; 36 Ill. Reg. 1442
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking:

The Assisted Living and Shared Housing Establishment Code was amended to implement PA 93-0141. This legislation amended the Assisted Living and Shared Housing Act to add a provision for floating licenses and to clarify requirements concerning care for residents with Alzheimer's disease and dementia, hospice care, and unlicensed establishments. The Alzheimer's and dementia, hospice care, and unlicensed establishments amendments were adopted on October 21, 2004 (28 Ill. Reg. 14593).

For floating licenses, in this rulemaking, Section 295.200 (Definitions), Section 295.500 (Application for License), and Section 295.7010 (Establishment Records) were amended and Section 295.1110 (Floating Licenses) was added. The Department also amended Section 295.300 (Incorporated and Referenced Materials), Section 295.600 (Issuance of Initial Regular License), Section 295.700 (Issuance of a Renewal License), and Section 295.1100 (Alzheimer's Special Care Disclosure).

Section 245.3040 was amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955). Additionally, references to the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board have been stricken because PA 96-0975 eliminated the Advisory Board.

16) Information and questions regarding this rulemaking shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
e-mail: dph.rules@illinois.gov

217/782-2043

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 295
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

SUBPART A: GENERAL PROVISIONS

Section

295.100	Purpose of the Act and this Part (<u>Repealed</u>)
295.200	Definitions
295.300	Incorporated and Referenced Materials
295.400	License Requirement
295.500	Application for License
295.600	Issuance of an Initial Regular License
295.700	Issuance of a Renewal License
295.800	Probationary License
295.900	Denial of a License
295.1000	Revocation, Suspension, or Refusal to Renew a License
295.1010	Transfer of Ownership
295.1020	Information to Be Made Available to the Resident by the Licensee
295.1030	Information to Be Made Available to the Public by the Department
295.1040	Technical Infractions
295.1050	Violations
295.1060	Remedies and Sanctions
295.1070	Annual On-Site Review and Complaint Investigation Procedures
295.1080	Waivers
295.1090	Complaints
295.1100	Alzheimer's <u>Disease and Related Dementias</u> Special Care Disclosure
<u>295.1110</u>	<u>Floating Licenses</u>

SUBPART B: POLICIES

Section

295.2000	Residency Requirements
295.2010	Termination of Residency
295.2020	Notice of Closure
295.2030	Establishment Contracts

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- 295.2040 Disaster Preparedness
- 295.2050 Incident and Accident Reporting
- 295.2060 Quality Improvement Program
- 295.2070 Negotiated Risk Agreement

SUBPART C: PERSONNEL

Section

- 295.3000 Personnel Requirements, Qualifications and Training
- 295.3010 Manager's Qualifications
- 295.3020 Employee Orientation and Ongoing Training
- 295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
- 295.3040 Health Care Worker Background Check

SUBPART D: RESIDENT CARE AND SERVICES

Section

- 295.4000 Physician's Assessment
- 295.4010 Service Plan
- 295.4020 Mandatory Services
- 295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
- 295.4040 Communicable Disease Policies
- 295.4050 Tuberculin Skin Test Procedures
- 295.4060 Alzheimer's and Dementia Programs

SUBPART E: MEDICATIONS

Section

- 295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

SUBPART F: RESIDENT RIGHTS

Section

- 295.6000 Resident Rights
- 295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
- 295.6030 Resident's Representative

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SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section

295.7000 Resident Records
295.7010 Establishment Records

SUBPART H: FOOD SERVICE

Section

295.8000 Food Service

SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

Section

295.9000 Physical Plant
295.9005 Units
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments
295.9030 Furnishings
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. 7968, effective May 12, 2008; amended at 36 Ill. Reg. 13632, effective August 16, 2012.

SUBPART A: GENERAL PROVISIONS

Section 295.100 Purpose of the Act and this Part (Repealed)

- a) *The purpose of the Act is to permit the development and availability of assisted living establishments and shared housing establishments based on a social model*

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~~that promotes the dignity, individuality, privacy, independence, autonomy, and decision making ability and the right to negotiated risk of those persons; to provide for the health, safety, and welfare of those residents residing in assisted living and shared housing establishments in this State; to promote continuous quality improvement in assisted living; and to encourage the development of innovative and affordable assisted living establishments and shared housing with service establishments for elderly persons of all income levels. It is the public policy of this State that assisted living is an important part of the continuum of long term care. In support of the goal of aging in place within the parameters established by the Act, assisted living and shared housing establishments shall be operated as residential environments with supportive services designed to meet the individual resident's changing needs and preferences. The residential environment shall be designed to encourage family and community involvement. The services available to residents, either directly or through contracts or agreements, are intended to help residents remain as independent as possible. Assisted living, which promotes resident choice, autonomy, and decision making, should be based on a contract model designed to result in a negotiated agreement between the resident or the resident's representative and the provider, clearly identifying the services to be provided. This model assumes that residents are able to direct services provided for them and will designate a representative to direct these services if they themselves are unable to do so. This model supports the principle that there is an acceptable balance between consumer protection and resident willingness to accept risk and that most consumers are competent to make their own judgments about the services they are obtaining. Regulation of assisted living establishments and shared housing establishments must be sufficiently flexible to allow residents to age in place within the parameters of the Act. The administration of the Act and services provided must therefore ensure that the residents have the rights and responsibilities to direct the scope of services they receive and to make individual choices based on their needs and preferences. These establishments shall be operated in a manner that provides the least restrictive and most homelike environment and that promotes independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in residential surroundings. It is not the intent of the State that establishments licensed under this Act be used as halfway houses for alcohol and substance abusers. (Section 5 of the Act)~~

- b) ~~The purpose of this Part is to establish standards for assisted living and shared housing establishments. The standards support the concept of aging in place and promote the availability of appropriate services for elderly and disabled persons in~~

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~~a homelike environment that enhances the dignity, independence, individuality, privacy, choice and decision-making ability of the resident.~~

- e) ~~This Part requires assisted living and shared housing establishments to address standards in the delivery of services to residents and to design the physical environment to support dignity, independence, individuality, privacy, choice, and the decision-making abilities of individual residents.~~

(Source: Repealed at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.200 Definitions

~~The following terms have the meaning ascribed to them here whenever the term is used in this Part:~~

Abuse – any physical or mental injury or sexual assault inflicted on a resident, other than by accidental means, in an establishment.

Act – the Assisted Living and Shared Housing Act ~~(Public Act 91-656, effective January 1, 2001).~~

Activities of daily living – eating, dressing, bathing, toileting, transferring, or personal hygiene. (Section 10 of the Act)

Adequate – enough in either quantity or quality, as determined by a reasonable person. This determination ~~shall~~must be consistent with current professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative ~~warning~~Warning – a notice to an establishment issued by the Department under Section 295.1060 of this Part that indicates that a situation, condition or practice in the establishment violates the Act or this Part at the level of a Type 3 violation.

Applicant – the individual, partnership, corporation, association, or other person that owns or operates an assisted living or shared housing establishment and ~~applies~~makes application for a license.

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Appropriate – ~~indicate term used to indicate~~ that a requirement is to be applied according to the needs of a particular individual or situation, as determined by a reasonable person. This determination ~~shall~~ must be consistent with current professional standards of the subject under review.

Assessment – see Physician's ~~assessment~~ Assessment.

Assisted living establishment or establishment – a home, building, residence, or any other place where sleeping accommodations are provided for at least three unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the ~~purposes~~ purpose of the Act:

services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home; community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

a physical environment that is a homelike setting that includes the following and such other elements as established by the Department ~~in~~ conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which ~~two~~ residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted living establishment or establishment does not mean any of the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

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A long term care ~~facility~~establishment licensed under the Nursing Home Care Act or facility licensed under the MR/DD Community Act. However, a ~~facility licensed under either of those Acts~~long term care establishment may convert distinct parts of the ~~facility~~establishment to assisted living. If the ~~facility~~long term care establishment elects to do so, the ~~facility~~establishment shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

~~A facility~~An establishment for child care as defined in the Child Care Act of 1969.

A community living ~~facility~~establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or ~~tenets~~tenants of a well-recognized church or religious denomination.

~~A facility~~An establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

~~The portion of a~~A life care facility~~establishment~~ as defined in the Life Care Facilities Act not licensed as an assisted living establishment under the Act; a life care ~~facility~~establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice ~~facility~~establishment licensed under the Hospice Program Licensing Act.

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A shared housing establishment.

A supportive living ~~facility~~ establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Chemical restraint – any drug that is used for discipline or convenience and is not required to treat medical symptoms.

Comprehensive assessment – see Physician's assessment.

Contract – a legal document containing all information required by Section 90 of the Act between the resident or his/her representative and the establishment, outlining the rights and responsibilities of both parties.

Department – the Department of Public Health. (Section 10 of the Act)

Developmental disability – a severe, chronic disability of a person that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Dietitian~~Dietician~~ – a person who is a licensed dietitian~~dietician~~ as provided in the Dietetic and Nutrition Services Practice Act.

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Direct care – the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

Direct care staff – any person who provides assistance with nursing care or assistance with feeding, dressing, movement, bathing or other personal needs to a resident.

Direct supervision – oversight of the establishment by the manager.

Emergency situation – imminent danger of death or serious physical harm to a resident of an establishment. (Section 10 of the Act)

Evaluation or establishment evaluation – a determination by the establishment of a resident's abilities and needs, which takes into account the physician's assessment pursuant to Section 295.4000.

Financial exploitation – the act of obtaining control over the resident or his/her property through deception or intimidation with the intent of depriving the resident of the use, benefit or possession of his/her property.

Financial viability – having sufficient assets to provide mandatory services and utilities for at least a three-month period of time.

Floating License – an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700 that authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and Section 295.1110. A floating license applies to any number of individual living units within the establishment up to, but not including, total capacity. (Section 32 of the Act)

Full time – on duty a minimum of 36 hours, four days per week.

Governing body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an establishment and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian – a person appointed under the Probate Act of 1975 as a guardian of the person or guardian of the estate, or both, of a resident.

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Home health agency – a public agency or private organization that is licensed to provide home health services under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

~~Intermittent~~ Intermittent health-related services – health-related services provided episodically, irregularly, or for a limited time period.

License – any of the following types of licenses issued to an applicant or licensee by the Department:

Probationary license – a license issued to an applicant or licensee that has not held a license under ~~the~~ Act prior to its application or pursuant to a license transfer in accordance with Section 50 of ~~the~~ Act.

Regular license – a license issued by the Department to an applicant or licensee that is in substantial compliance with ~~the~~ Act and this Part. (Section 10 of the Act)

Licensed health care professional – a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse who holds a valid Illinois license under the applicable licensure statute. (Section 10 of the Act)

Licensee – a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment. (Section 10 of the Act)

Manager – the individual in charge of overseeing and responsible for the day-to-day operation of the establishment.

Mandatory services – include the following:

3 meals per day available to the residents prepared by the establishment or an outside contractor;

housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

personal laundry and linen services available to the residents provided or

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arranged for by the establishment;

security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

assistance with activities of daily living as required by each resident.
(Section 10 of the Act)

Medication administration – refers to a licensed health care professional employed by the establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerine patches. (Section 70 of the Act)

Medication reminders – reminding residents to take pre-dispensed, self administered medication, observing the resident, and documenting whether or not the resident took the medication. (Section 70 of the Act)

Neglect – a failure by the establishment to provide services, as outlined in the service delivery contract; a failure to notify the appropriate health care professional that an assessment is necessary in accordance with the service plan; a failure to modify a service plan, as appropriate, based on a new physician's assessment; or a failure to terminate the residency of an individual whose needs can no longer be met by the establishment, which failure results in an avoidable decline in function.

Negotiated risk – the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks. (Section 10 of the Act)

Negotiated risk agreement – a binding agreement, in compliance with Section 295.2070 of this Part, describing conditions or situations that could put the

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resident at risk of harm or injury, and describing the resident's agreement with the establishment for how those conditions or situations are to be handled.

Nonmedical services – optional services such as, but not limited to, transportation; social, recreational, educational, and religious services; and shopping.

Nurse – a registered nurse or a licensed practical nurse as defined in the Nurse Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Operator – the person responsible for the control, maintenance and governance of the establishment, its personnel and physical plant.

Optional services – may include but are not limited to *medication reminders, supervision of self-administered medication, medication administration and nonmedical services*. (Section 70 of the Act)

Other resident injury – occurs when a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Owner – the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under ~~the~~ the Act. (Section 10 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physical restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily and that restricts freedom of movement or normal

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access to one's body.

Physician – a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches. (Section 10 of the Act)

Physician's assessment – a comprehensive assessment that includes an evaluation of the resident's or prospective resident's physical, cognitive, and psychosocial condition, ~~completed by a physician~~ *completed by a physician*. (Section 15 of the Act)

Residency termination – the relocation or transfer of a resident from an establishment.

Resident – a person residing in an assisted living or shared housing establishment. (Section 10 of the Act)

Resident's representative – a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department. (Section 10 of the Act)

Risk management – the process by which an establishment assesses and addresses potential liability.

Self – the individual or the individual's designated representative. (Section 10 of the Act)

Service plan – a written plan developed and mutually agreed upon by the provider and the resident; which ~~shall be~~ reviewed annually, or more often as the resident's condition, preferences, or service needs change; ~~and which shall serve~~ *and which serves* as a basis for the service delivery contract between the provider and the resident. (Section 15 of the Act)

Severe mental illness – a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association,

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1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders. (Section 75(a)(6) of the Act)

Shared housing establishment or establishment – a publicly or privately operated free-standing residence for ~~16~~ or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

Shared housing establishment or establishment does not mean the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care ~~facility~~~~establishment~~ licensed under the Nursing Home Care Act or a facility licensed under the MR/DD Community Care Act. A ~~facility~~ licensed under either of those Acts ~~long-term care establishment~~ may, however, convert sections of the ~~facility~~~~establishment~~ to assisted living. If the ~~facility~~~~long-term care establishment~~ elects to do so, the ~~facility~~~~establishment~~ shall retain the Certificate of Need for its nursing beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

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A ~~facility~~establishment for child care as defined in the Child Care Act of 1969.

A community living ~~facility~~establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or ~~tenets~~tenets of a well-recognized church or religious denomination.

A ~~facility~~establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care ~~facility~~establishment as defined in the Life Care Facilities Act; a life care ~~facility~~establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice ~~facility~~establishment licensed under the Hospice Program Licensing Act.

An assisted living ~~facility~~establishment.

A supportive living ~~facility~~establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Sheltered care facility – a location licensed as a sheltered care facility under the Nursing Home Care Act.

Significant change in the resident's condition – a change in the resident's condition that is substantial enough to indicate to a reasonable person that current supports and services are insufficient, taking into account the resident's wishes as addressed in any negotiated risk agreements in effect. A significant change is not

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a temporary change in the individual's health with a predictable course, such as a cold ~~or flu~~, or the gradual deterioration in the ability to carry out activities of daily living that accompanies the aging process.

Substantial compliance – meeting requirements, except for unimportant omissions or defects, given the particular circumstances involved.

Substantial failure – the failure to meet requirements, other than unimportant omissions or defects, given the particular circumstances involved.

Sufficient – same as adequate.

Supervision of self-administered medication – assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional. (Section 70 of the Act)

Total assistance – staff or another individual performs the entire activity of daily living without participation by the resident. (Section 10 of the Act)

Unit – a separate and physically identifiable space that is used for occupancy.

Valid license – a license that is unsuspended, unrevoked, and unexpired.

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.300 Incorporated and Referenced Materials

- a) The following private and professional association standards are incorporated in this Part.
 - 1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 32, New Residential Board and Care Occupancies

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(2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169.

- 2) American Psychiatric Association, Diagnostic and Statistical Manual of Mental ~~Disorders~~ Disorder, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1000 Wilson Blvd., Suite 1825, Arlington, Virginia 22209~~1400 K Street, N.W., Washington, D.C. 20005.~~

- b) The following federal guidelines are incorporated in this Part: ADA Accessibility Guidelines (ADAAG), July 2004~~January 1998~~, which may be obtained from the U.S. Access Board, 1331~~133~~ F Street NW, Suite 1000, Washington, D.C. 20004-1111.

- c) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any editions or amendments~~additions or deletions~~ subsequent to the date specified.

- d) The following statutes and State rules are referenced in this Part:

- 1) Federal statutes:
Americans with Disabilities Act (42 USC 12101 et seq.)
- 2) State of Illinois statutes:
 - A) Medical Practice Act of 1987 [225 ILCS 60]
 - B) Nurse~~Nursing and Advanced Practice Nursing~~ Act [225 ILCS 65]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Hospital Licensing Act [210 ILCS 85]
 - E) Nursing Home Care Act [210 ILCS 45]
 - F) MR/DD Community Care Act [210 ILCS 47]
 - G) ~~F)~~ Probate Act of 1975 [755 ILCS 5]

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- ~~H)G)~~ Illinois Public Aid Code [305 ILCS 5]
- ~~I)H)~~ Illinois Administrative Procedure Act [5 ILCS 100]
- ~~J)I)~~ Health Care Worker Background Check Act [225 ILCS 46]
- ~~J)~~ ~~Criminal Code of 1961 [720 ILCS 5]~~
- ~~K)~~ ~~Cannabis Control Act [720 ILCS 550]~~
- ~~K)L)~~ Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- ~~L)M)~~ Health Care Surrogate Act [755 ILCS 40]
- ~~N)~~ ~~Illinois Controlled Substances Act [720 ILCS 570]~~
- ~~M)O)~~ Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- ~~N)P)~~ Hospice Program Licensing Act [210 ILCS 60]
- ~~O)Q)~~ Freedom of Information Act [5 ILCS 140]
- ~~P)R)~~ Alzheimer's Disease and Related Dementias Special Care Disclosure Act [210 ILCS 4]
- ~~Q)S)~~ Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- ~~R)T)~~ Code of Civil Procedure [735 ILCS 5]
- ~~S)U)~~ Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- ~~T)V)~~ Community Living Facilities Licensing Act [210 ILCS 35]
- ~~U)W)~~ Supportive Residences Licensing Act [210 ILCS 65]
- ~~V)X)~~ Life Care Facilities Act [210 ILCS 40]

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~~Y) Uniform Conviction Information Act [20 ILCS 2635]~~

~~Z) Criminal Jurisprudence Act [720 ILCS 115]~~

~~AA) Wrongs to Children Act [720 ILCS 150]~~

3) State of Illinois rules:

A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

B) Department of Public Health

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)

iii) Private Sewage Disposal Code (77 Ill. Adm. Code 905)

iv) Drinking Water Systems Code (77 Ill. Adm. Code 900)

v) ~~Rules of Practice and Procedure in Administrative Hearings~~
(77 Ill. Adm. Code 100)

vi) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

vii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

viii) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.500 Application for License

a) *An applicant shall provide the following information, on forms provided by the*

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Department, to be considered for licensure:

- 1) *The business name, street address, mailing address, and telephone number of the establishment;*
- 2) *The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;*
- 3) *Financial information establishing that the project is financially feasible, in one of the following forms:*
 - A) *A surety bond in an amount equal to at least three months operating expenses;*
 - B) *An independent certified public accountant's report expressing an opinion on the financial status of the establishment;*
 - C) *An audited financial report certifying the financial status of the applicant;*
 - D) *The entity's most recent bond rating (less than ~~two~~ years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;*
 - E) *Evidence of operation for at least ~~two~~ years of a facility licensed under the Nursing Home Care Act, the MR/DD Community Care Act, or ~~under~~ the Assisted Living and Shared Housing Act; or*
 - F) *If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial status.*
- 4) *The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease*

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agreement, if different from the owner or owners, and the name of the full-time manager;

- 5) *Verification that the establishment has entered or will enter into a service delivery contract as provided in Section 295.2030, as required under ~~the~~ Act, with each resident or resident's representative;*
- 6) *The name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in ~~the Act and this~~ Part, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection (a)(6) shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;*
- 7) *The signature of the authorized representative of the owner or owners;*
- 8) *Proof of an ongoing quality improvement program in accordance with Section 295.2060 of this Part;*
- 9) *Information about the number and types of units and the maximum census;*
- ~~10)~~ *If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part;*
- ~~10)~~¹¹⁾ *Information about the mandatory and optional services to be provided at the establishment;*
- ~~11)~~¹²⁾ *Proof of compliance with applicable State and local residential standards, as evidenced by completion of the Department's Code CertificationCertificate of Compliance form;*
- ~~12)~~¹³⁾ *A copy of the standard contract offered to residents;*

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~~13)14)~~ *Documentation of adequate liability insurance; (Section 30 of the Act)*

~~15)~~ ~~If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment must maintain a bond or restricted account that guarantees the return of the resident's entrance fees and/or the unused portion of his or her deposit if the establishment ceases to operate;~~

~~14)16)~~ A completed Alzheimer's Disease and Related Dementias Special Care Disclosure form; and

~~15)17)~~ A schematic drawing of the establishment.

b) The application shall indicate a request for either standard licensure or floating licensure. An application for a floating license shall comply with Section 32 of the Act and Section 295.1110.

c) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part.

d) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment shall maintain a bond or restricted account that guarantees the return of the resident's entrance fees or the unused portion of his or her deposit if the establishment ceases to operate.

~~e)18)~~ To support regulatory activities necessary to implement the Act, applications shall be accompanied by a nonrefundable fee of:

- 1) \$1,000 for an assisted living establishment and \$10 per licensed unit; or
- 2) \$500 for a shared housing establishment.

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- ~~f)e)~~ If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. ~~The~~Such written notification will become a part of the licensee's file.

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.600 Issuance of an Initial Regular License

- a) *Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:*
- 1) *That the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under ~~the~~the Act, or the Nursing Home Care Act, or the MR/DD Community Care Act during the previous five years;*
 - 2) *That the establishment is under the supervision of a full-time manager who meets the requirements of Section 295.3010 ~~of this Part~~;*
 - 3) *That the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24-hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population;*
 - 4) *That all employees who are subject to direct care staff meet the requirements of the Health Care Worker Background Check Act meet the requirements of that Act and the requirements of the Health Care Worker Background Check Code;*
 - 5) *That the applicant is in substantial compliance with ~~the~~the Act and this Part;*
 - 6) *That the applicant pays all required fees; and*
 - 7) *That, if the applicant establishment offers, advertises or markets to provide*

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specialized services for individuals with Alzheimer's disease and related dementias through an Alzheimer's special care program, *the applicant has provided an accurate disclosure document to the Department in accordance with the Alzheimer's Disease and Related Dementias Special Care Disclosure Act and in substantial compliance with Section 150 of the Act and Section 295.4060.*

- b) The Department ~~will~~shall issue a regular license within 120 days after receipt of an application that meets the requirements of the Act and this Section. ~~This time frame may be extended during the period from January 1, 2001 to January 1, 2002.~~
- c) ~~The~~The license shall state the number of resident units and physical location of the establishment, the date the license was issued, and the expiration date of the license of the license. The license shall also state the number of resident units.
- d) *All regular licenses shall be valid for one year.*
- e) *Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. (Section 35 of the Act)*
- f) As a condition of licensure under the Act and this Part, the director of an establishment must participate in at least 20 hours of training every two years to assist him or her in better meeting the needs of the residents of the establishment and managing the operation of the establishment.
- g)f) After the license is issued, the licensee shall advise the Department within 30 days after any changes in the information required in Section 295.500(a)(1), (2), (4), (6), (9), or (10) ~~of this Part~~.
- h)g) The license shall be posted in public view in the establishment.

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.700 Issuance of a Renewal License

- a) *At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license, in such form and containing such information as the Department requires. The application shall be*

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accompanied by the fee prescribed in Section 295.500. *If the application is approved and the establishment is in substantial compliance with all other licensure requirements, the Department may renew the license for an additional period of 2 years at the request of the licensee.* ~~license shall be renewed for an additional one-year period.~~

- b) *If a licensee whose license has been renewed for 2 years under this Section subsequently fails to meet any of the conditions set forth in the Act and this Part, then, in addition to any other sanctions that the Department may impose under the Act and this Part, the Department shall revoke the 2-year license and replace it with a one-year license until the licensee again meets all of the conditions set forth in Section 45 of the Act and this Part.*
- c) ~~b)~~ *If the application for renewal is not timely filed in accordance with subsection (a) of this Section, the Department shall so inform the licensee.*
- d) ~~e)~~ *If appropriate, the renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Disease and Related Dementias Special Care Disclosure Act and Section 295.1100 ~~of this Part~~. (Section 45 of the Act)*

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.1100 Alzheimer's Disease and Related Dementias Special Care Disclosure

An establishment that *offers, advertises or markets to provide care for persons with Alzheimer's disease and related dementias through an Alzheimer's special care program shall disclose to the Department and* ~~Department or to a resident or potential or actual resident of the establishment the following information in writing~~ *on request of the Department or resident:*

- a) *The form of care or treatment that distinguishes the establishment as suitable for persons with Alzheimer's disease and related dementias;*
- b) *The philosophy of the establishment concerning the care or treatment of persons with Alzheimer's disease and related dementias;*
- c) *The establishment's pre-admission, admission, and discharge* ~~residency termination~~ *procedures;*

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- d) *The establishment's assessment, care planning, and implementation guidelines in the care and treatment of persons with Alzheimer's disease and related dementias, including whether residents/individuals are or are not monitored about eating, drinking, and personal hygiene; whether residents/individuals will be monitored for potentially dangerous behavior while in their rooms; and whether a resident representative will be contacted with concerns that might require a change in the service plan;*
- e) *The establishment's minimum and maximum staffing ratios, specifying the general licensed health care provider to resident ratio and the trainee health care provider to resident ratio;*
- f) *The establishment's physical environment, including whether doors are monitored;*
- g) *Activities available to residents at the establishment;*
- h) *The role of family members in the care of residents at the establishment; and*
- i) *The costs of care and treatment under the program. (Section 15 of the Alzheimer's Disease and Related Dementias Special Care Disclosure Act)*

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

Section 295.1110 Floating Licenses

- a) A floating license is an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700, which applies to any number of individual living units within the establishment up to, but not including, total capacity. (Section 32 of the Act) A floating license authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and this Section.
- b) A floating license may be requested, on forms provided by the Department, with either an initial licensure application or a renewal licensure application. The application must specify the number of individual living units within the establishment that are to be licensed (Section 32 of the Act) and shall include a list of the living units that will be designated as licensed living units under the floating license.

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- c) Sections 25 and 32 of the Act and Section 295.400 of this Part prohibit any person from *establishing, operating, maintaining, or offering an establishment as an assisted living establishment or shared housing establishment, as defined by the Act, unless and until he or she obtains a valid license, which remains unsuspended, unrevoked, and unexpired.* (Section 25 of the Act)
- d) A location for which a floating license is requested shall, at all times, meet the following qualifications:
- 1) *80% of the residents are at least 55 years of age or older;*
 - 2) *The location is operated as housing for the elderly, as demonstrated by one of the following:*
 - A) *The location is currently operating entirely as housing for the elderly, is not providing assisted living services, and is not in violation of Section 295.400; or*
 - B) *Some of the living units are currently licensed as assisted living or shared housing, and the remaining living units are operated as housing for the elderly;*
 - 3) *The location meets the construction and operating standards contained in Section 20 of the Act and Subpart I of this Part;*
 - 4) *The location must have staff adequate to meet the scheduled and unscheduled needs of the residents residing in licensed living units; and*
 - 5) *All staff providing services to licensed living units must meet the requirements of the Act and this Part. (Section 32 of the Act)*
- e) An establishment that is issued a floating license shall not designate more than the number of living units indicated on the license as licensed living units. To be designated as a licensed living unit, *the living unit and the living unit's resident shall meet the requirements of the Act and this Part.* (Section 32 of the Act)

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- f) All mandatory services must be made available to residents of licensed living units, in accordance with Section 10 of the Act and Section 295.4020 of this Part. Residents of licensed living units may receive any optional services permitted under the establishment's license.
- g) Establishments may provide services under the Act and this Part only in the individual living units designated as licensed units. (Section 32 of the Act)
- h) Designation as a licensed unit may be temporary to accommodate a resident's changing needs without requiring a resident to move. (Section 32 of the Act) A living unit that is temporarily designated as a licensed living unit shall meet the requirements of the Act and this Part.
- i) An establishment with a floating license must keep a current written list of those units designated under the floating license. (Section 32 of the Act) The establishment shall provide the Department with a list of designated units in accordance with subsections (m) and (n).
- j) If a resident elects to receive assisted living services in a unit that is not licensed and the unit qualifies for licensure under this Section, the establishment must notify the resident that the unit must be licensed and the requirements of the Act and this Part must be met before assisted living services can be provided to residents in that unit. (Section 32 of the Act)
- k) The establishment shall maintain records in accordance with Sections 295.7000 and 295.7010 for all licensed living units and all residents residing in licensed living units.
- l) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with the Act and this Part. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment. (Section 110(a) of the Act)
- m) Upon the initiation of an initial licensing inspection or annual inspection, the establishment shall provide to the Department a list of the units designated under the floating license in which residents are receiving services subject to the Act. (Section 32 of the Act)

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- n) Upon the initiation of a complaint investigation, the establishment shall provide to the Department a list of the units designated under the floating license in which residents were receiving services subject to the Act at the time that the situation being investigated was alleged to have occurred. (Section 32 of the Act)

(Source: Added at 36 Ill. Reg. 13632, effective August 16, 2012)

SUBPART C: PERSONNEL

Section 295.3040 Health Care Worker Background Check

An establishment shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code.

- a) ~~The establishment shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~
- ~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~
 - ~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~
 - ~~3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~
 - ~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of~~

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the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));

- 5) ~~Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~
- 6) ~~Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~
- 7) ~~Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~
- 8) ~~Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~
- 9) ~~Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~
- 10) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~
- 11) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21~~

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of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));

- 12) ~~Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~
- 13) ~~Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~
- 14) ~~Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~
- 15) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~
- 16) ~~Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~
- 17) ~~Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~
- 18) ~~Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~
- 19) ~~Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~
- 20) ~~Criminal trespass to a residence (Section 19-4 of the Criminal Code of~~

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- 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 705, 705.1, 705.2, 707, and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) *The establishment shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section unless the applicant,*

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~~employee or employer obtains a waiver pursuant to this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

- e) ~~An establishment shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the establishment becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) through (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that an establishment has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)~~

- d) For the purposes of this Section:

~~"Applicant" means an individual seeking employment with an establishment who has received a bona fide conditional offer of employment.~~

~~"Conditional offer of employment" means a bona fide offer of employment by an establishment to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) through (27) of this Section.~~

~~"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.~~

~~"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)~~

- e) For purposes of the Health Care Worker Background Check Act, the establishment shall establish a policy defining which employees provide direct care. In making this determination, the establishment shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;

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- 2) ~~Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and~~
 - 3) ~~Whether the employee's responsibilities include physical contact with residents.~~
- f) ~~When the establishment makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry and has had a UCIA criminal history record check within the last 2 months, the employer need not initiate another check.~~
- g) ~~The establishment shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)~~
- h) ~~The establishment may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.~~
- i) ~~The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint based UCIA criminal history record check is made:~~
- 1) ~~That the establishment shall request or have requested on its behalf a non-fingerprint based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.~~
 - 2) ~~That the applicant or employee has a right to obtain a copy of the criminal record report from the establishment, challenge the accuracy and completeness of the report, and request a waiver in accordance with this Section.~~
 - 3) ~~That the applicant, if hired conditionally, may be terminated if the non-fingerprint based criminal records report indicates that the applicant has a~~

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~~record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint based records check pursuant to subsection (k) of this Section.~~

- 4) ~~That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's record is cleared based on a fingerprint based records check pursuant to subsection (k) of this Section.~~
- 5) ~~That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the employee's record is cleared based on a fingerprint based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)~~
- j) ~~An establishment may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)~~
- k) ~~An applicant or employee whose non-fingerprint based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section may request that the establishment or its designee commence a fingerprint based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)~~
- l) ~~An establishment having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Health Care Worker Background Check Act must initiate a fingerprint based background check within 10 working days after acquiring that knowledge. The establishment may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until~~

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the results of the fingerprint based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

- m) *An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:*
 - 1) *A completed fingerprint based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and*
 - 2) *A certified check, money order or establishment check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint based UCIA criminal records check.*
- n) *The Department may accept the results of the fingerprint based UCIA criminal records check instead of the items required by subsections (m)(1) and (2). (Section 40(a-5) of the Health Care Worker Background Check Act)*
- o) *An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:*
 - 1) *Except in the instance of payment of court imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met obligations to the court and under terms of parole (i.e., probation has been successfully completed); and*
 - 2) *The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.*
- p) *The Department may grant a waiver based on mitigating circumstances, which may include:*
 - 1) *The age of the individual at which the crime was committed;*
 - 2) *The circumstances surrounding the crime;*
 - 3) *The length of time since the conviction;*

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- 4) *The applicant's or employee's criminal history since the conviction;*
 - 5) *The applicant's or employee's work history;*
 - 6) *The applicant's or employee's current employment references;*
 - 7) *The applicant's or employee's character references;*
 - 8) *Nurse Aide Registry records; and*
 - 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to, the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)*
- q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:
- 1) Single disqualifying misdemeanor conviction = waiver consideration no earlier than one year after the conviction date;
 - 2) Two to three disqualifying misdemeanor convictions = waiver consideration no earlier than three years after of the most recent conviction date;
 - 3) More than three disqualifying misdemeanor convictions = waiver consideration no earlier than five years after of the most recent conviction date;

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- 4) ~~Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;~~
 - 5) ~~Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;~~
 - 6) ~~More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~
- r) ~~Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~
- 1) ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~
 - 2) ~~Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~
 - 3) ~~Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~
 - 4) ~~Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);~~
 - 5) ~~Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-4.1]);~~
 - 6) ~~Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~
 - 7) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~

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- 8) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~
- 9) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~
- 10) ~~Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~
- 11) ~~Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~
- 12) ~~Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~
- s) ~~The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~
- t) ~~*An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)*~~
- u) ~~An establishment is not obligated to employ or offer permanent employment to an applicant, or to retain an employee, who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)~~
- v) ~~An establishment may retain the individual in a direct care position if the individual presents clear and convincing evidence to the establishment that the~~

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~~non-fingerprint based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) through (27) of this Section, pending positive verification through a fingerprint based criminal records check. Such evidence may include, but is not limited to:~~

- ~~1) certified court records;~~
 - ~~2) written verification from the State's Attorney's office that prosecuted the conviction at issue;~~
 - ~~3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~
 - ~~4) a signed affidavit from the individual concerning the validity of the report;
or~~
 - ~~5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.~~
- w) This Section *shall not apply to:*
- ~~1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;~~
 - ~~2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or~~
 - ~~3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)~~
- x) ~~The establishment shall retain on file for a period of 5 years records of criminal records requests for all employees. The establishment shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the~~

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duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

- y) ~~The establishment shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section 295.7010 Establishment Records

- a) The establishment shall maintain the following records:
- ~~1)a)~~ Reports of known resident injury requiring a physician's intervention;
 - ~~2)b)~~ Reports of abuse, neglect, or financial exploitation that are submitted to the Department pursuant to Section 295.6010;
 - ~~3)c)~~ Incident and accident reports that are required to be submitted to the Department;
 - ~~4)d)~~ Documentation of compliance with Section 295.3040 (Health Care Worker Background Check); and
 - ~~5)e)~~ Quality improvement program.
- b) An establishment holding a floating license shall maintain all records required by Section 295.7000 and this Section and any other documentation required by this Part. The records shall be maintained for no fewer than three years following the removal of a unit's designation as a licensed living unit. The records shall also include copies of the written list of the units designated under the floating license for each day of the three years. (Section 32 of the Act)

(Source: Amended at 36 Ill. Reg. 13632, effective August 16, 2012)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Weights, Penalties, and Allowances; Scale of Weights for Age
- 2) Code Citation: 11 Ill. Adm. Code 1412
- 3) Section Number: 1412.10 Adopted Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 20, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 36 Ill. Reg. 5956; April 20, 2012.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1412.10(d), deleted "Appaloosas and Paints".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending in this Part? No
- 15) Summary and purpose of rulemaking: This proposed rulemaking repeals the current weight allowances, adopted in 1981, which are outdated and no longer used by Racing Secretaries across the country. The Jockeys' Guild is seeking this amendment because jockeys today are larger than jockeys of the past and establishing a minimum weight for jockeys at 118 pounds (currently 116 pounds in Illinois), but allowing for certain weight allowances, is the best solution to speed adoption of the model rule and eliminate most of the weights that are negatively affecting riders' health and safety.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1412

WEIGHTS, PENALTIES, AND ALLOWANCES; SCALE OF WEIGHTS FOR AGE

Section

1412.10	Weight Allowances
1412.20	Extra Allowances
1412.30	When Readjustments Allowed
1412.40	Readjustments, When Claimed
1412.50	Penalties and Allowances Not Cumulative
1412.60	Handicaps

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10980; amended at 36 Ill. Reg. 13675, effective August 20, 2012.

Section 1412.10 Weight Allowances

- a) With the exception of apprentices allowances, handicap races, three-year-old horses entered to run in races against horses four years old and upwards, and the allowance provided in subsection (b) of this Section, no jockey shall be assigned a weight of less than 118 pounds. For three-year-old horses entered to run in races against horses four years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than 116 pounds.
- b) Except in handicaps, fillies two years old shall be allowed 3 pounds and fillies and mares three years old and upward shall be allowed 5 pounds before September 1, and 3 pounds after September 1 in races in which they compete against horses of the opposite sex.

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- c) A notice shall be included in the daily program that all jockeys will carry approximately 3 pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, jockeys may weigh in with an additional 3 pounds for inclement weather gear when approved by the Stewards.
- d) Quarter Horses minimum scale weights shall be 120 pounds for two year olds, 122 pounds for three year olds and 124 pounds for four year olds and older.
- a) Length of races

~~ONE HALF MILE~~

Age	Jan. Feb.	Mar. Apr.	May	June	July	Aug.	Sept.	Oct.	Nov. Dec.
2	-	-	-	-	-	105	108	111	114
3	117	119	121	123	125	126	127	128	129
4	130	130	130	130	130	130	130	130	130
5 & up	130	130	130	130	130	130	130	130	130

~~SIX FURLONGS~~

2	-	-	-	-	-	102	105	108	111
3	114	117	119	121	123	125	126	127	128
4	129	130	130	130	130	130	130	130	130
5 & up	130	130	130	130	130	130	130	130	130

~~ONE MILE~~

2	-	-	-	-	-	-	96	99	102
3	107	111	113	115	117	119	121	122	123
4	127	128	127	126	126	126	126	126	126
5 & up	128	128	127	126	126	126	126	126	126

~~ONE MILE AND ONE QUARTER~~

2	-	-	-	-	-	-	-	-	-
3	101	107	111	113	116	118	120	121	122
4	125	127	127	126	126	126	126	126	126
5 & up	127	127	127	126	126	126	126	126	126

~~ONE MILE AND A HALF~~

2	-	-	-	-	-	-	-	-	-
3	98	104	108	111	114	117	119	121	122

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4	124	126	126	126	126	126	126	126	126
5 & up	126	126	126	126	126	126	126	126	126

TWO MILES

3	96	102	106	109	112	114	117	119	120
4	124	126	126	126	126	125	125	124	124
5 & up	126	126	126	126	126	125	125	124	124

- b) ~~In races of intermediate lengths, the weights for the shorter distance are carried.~~
- e) ~~In races exclusively for three year olds, or four year olds, the weight is 126 pounds and in races exclusively for two year olds, it is 122 pounds.~~
- d) ~~In all races except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds, and mares three years old and upward are allowed five pounds before the first of September and three pounds afterwards.~~
- e) ~~In all overnight races for two year olds or three year olds or for four year olds and upward, the minimum weight shall be 112 pounds subject to sex and apprentice allowances. This rule shall not apply to handicaps nor to races for three year olds and upward.~~

(Source: Amended at 36 Ill. Reg. 13675, effective August 20, 2012)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.600	Amendment
310.APPENDIX A TABLE N	Amendment
310.APPENDIX A TABLE W	Amendment
- 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 310.600 to reflect three Memoranda of Understanding. The first Memorandum of Understanding (MOU) is between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed August 15, 2012. The MOU reinstates the payment of general increases, longevity pay increases (or extended service increases) and step increases (or satisfactory performance increases) for employees represented by AFSCME bargaining units at the Department of Labor (DOL) effective July 1, 2011. In other words, the employees represented by AFSCME bargaining units at DOL are not subject to the frozen negotiated-rates-of-pay during fiscal year (FY) 2012. The second MOU between the State and AFSCME was signed July 31, 2012. The MOU reinstates the payment of general increases, longevity pay increases (or extended service increases) and step increases (or satisfactory performance increases) for employees represented by AFSCME bargaining units at the Department of Revenue (DOR) and the Criminal Justice Information Authority (CJIA) effective July 1, 2011. In other words, the employees represented by AFSCME bargaining units at DOR and CJIA are not subject to the frozen negotiated-rates-of-pay during FY2012. The third MOU is between the State of Illinois and the Illinois Federation of Public Employees (IFPE) signed August 1, 2012. The MOU reinstates the payment of general increases, longevity pay increases (or extended service increases) and step increases (or satisfactory performance increases) for employees represented by the IFPE bargaining unit at DOR effective July 1, 2011. In other words, the employees represented by the IFPE RC-029 bargaining unit at DOR are not subject to the frozen negotiated-rates-of-pay during FY2012. No other bargaining unit represents employees who were subject to the frozen bargaining-unit-rates at DOL, DOR or CJIA.

Section 310.Appendix A Table N reflects two additional Memoranda of Understanding. The first MOU between the State of Illinois and AFSCME signed July 27, 2012 assigns the RC-010-24 pay grade to the Public Service Administrator (PSA) title Option 8L at the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Department of Human Services (DHS) effective March 15, 2012. On that same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case No. S-RC-08-154) PSA Option 8L Administrative Law Judge (ALJ) employed in the DHS. Earlier, the Pay Plan included the pay grade assignment which was later removed. Originally on January 29, 2009, the ILRB issued a Certification of Representative for the PSA title Option 8L ALJ at the DHS. The RC-010-24 pay grade was assigned effective January 29, 2009 by an MOU signed April 15, 2009. Then on February 16, 2011, the ILRB State Panel issued a Revocation of Certification.

The second MOU between the State of Illinois and AFSCME signed July 27, 2012 assigns the RC-010-24 pay grade to the PSA title Option 8L ALJ at the Department of Healthcare and Family Services (DHFS) effective May 15, 2012. On that same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case No. S-RC-08-130) PSA Option 8L (ALJ employed in the DHFS). Earlier, the Pay Plan included the pay grade assignment which was later removed. Originally on January 29, 2009, the ILRB issued a Certification of Representative for the PSA title Option 8L ALJ at the DHFS. The RC-010-24 pay grade was assigned effective January 29, 2009 by an MOU signed April 15, 2009. Then on February 16, 2011, the ILRB State Panel issued a Revocation of Certification. There is a separate ILRB classification of PSA Option 8L positions without the administrative law judge functions at DHFS that was added earlier to this Section.

Section 310.Appendix A Table W reflects another MOU. The MOU between the State of Illinois and AFSCME signed July 31, 2012 assigns the RC-062-24 pay grade to the Public Service Administrator (PSA) title Option 7 at the DHFS effective December 20, 2011.

- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: August 15, 2012
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.600, the Departments of Labor and Revenue and the Criminal Justice Information Authority are removed from the work locations affected by the frozen negotiated-rates-of-pay during fiscal year 2012.

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In Section 310.Appendix A Table N, the Public Service Administrator title Option 8L administrative law judge function at the Departments of Healthcare and Family Services and Human Services is added to the Public Service Administrator title Option 8L positions assigned to the RC-010-24 in the title table.

In Section 310.Appendix A Table W, the Department of Healthcare and Family Services is added to the other departments with Public Service Administrator title Option 7 positions assigned to the RC-062-24 in the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 15, 2012
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.130	Amendment	36 Ill. Reg. 4991;, April 6, 2012
310.600	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.630	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.640	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.660	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.670	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.Appendix A Table S	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.Appendix A Table W	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.Appendix A Table AA	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.Appendix B Table S	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.Appendix B Table W	Amendment	36 Ill. Reg. 4991; April 6, 2012
310.47	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.80	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.130	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.300	Amendment	36 Ill. Reg. 10552; July 20, 2012

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310.600	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.630	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.640	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.660	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.670	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table D	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table E	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table F	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table S	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table W	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix A Table AA	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix B Table S	Amendment	36 Ill. Reg. 10552; July 20, 2012
310.Appendix B Table W	Amendment	36 Ill. Reg. 10552; July 20, 2012

- 13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this rulemaking 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 Peremptory Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	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 (Repealed)
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 (Repealed)
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 Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
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
310.415	Merit Compensation Salary Range Assignments
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 (Repealed)
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 Equivalent
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)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section	
310.600	Jurisdiction

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310.610	Pay Schedules
310.620	In-Hiring Rate
310.630	Definitions
310.640	Increases in Pay
310.650	Other Pay Provisions
310.660	Effective Date
310.670	Negotiated Rate
310.680	Trainee Rate
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
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	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)

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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 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)

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310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 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; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986;

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emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; 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,

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

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Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998;

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peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective

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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 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

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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; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory 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; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory

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amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg.

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19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; peremptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; peremptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012.

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section 310.600 Jurisdiction

- a) Overview – The Frozen Negotiated-Rates-of-Pay due to Fiscal Year 2012 Appropriations (Subpart D) shall apply to the positions and employees represented by the CU-500, HR-010, RC-006, RC-009, RC-010, RC-014, RC-023, RC-028, RC-029, RC-042, RC-056, RC-062, RC-063, RC-090, RC-104, RC-110, RC-150, RC-184 or VR-704 bargaining units and with work location located at the Departments of Corrections, Human Rights, Human Services, Juvenile Justice, ~~Labor~~, Natural Resources ~~or~~, Public Health ~~or Revenue~~, ~~the Criminal Justice Information Authority~~ or ~~the~~ Human Rights Commission. The positions and employees shall be covered by the provisions of the Narrative (Subpart A) and Schedule of Rates (Subpart B) except as provided in the sections of Subpart D. The ~~Departments of Labor and Revenue, Criminal Justice Information Authority~~, Deaf and Hard of Hearing Commission, Guardianship and Advocacy Commission, Historic Preservation Agency and Prisoner Review Board are removed from the work locations where frozen negotiated-rates-of-pay are effective during fiscal year 2012.
- b) Exception – The employees represented by the American Federation of State, County and Municipal Employees (AFSCME) bargaining units CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062, RC-063 and RC-150 who by May 1, 2011 submitted for retirement prior to January 1, 2012 are excluded from Subpart D. The employees represented by AFSCME who by May 1, 2011 submitted for retirement prior to January 1, 2012 shall be paid at a rate of pay or step in the appropriate pay grade rate table in Appendix A for the position in which the employee is employed.

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(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 13680, effective August 15, 2012)

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Hearings Referee	18300	RC-010	23
Hearings Referee – Intermittent	18301	RC-010	23H
Public Service Administrator, Option 8L Departments of Central Management Services, Children and Family Services, Healthcare and Family Services, Labor, Public Health and Revenue, Environmental Protection Agency, Illinois Gaming Board, Guardianship and Advocacy Commission, and Pollution Control Board and administrative law judge function at the Departments of Healthcare and Family Services and Human Services	37015	RC-010	24
Technical Advisor Advanced Program Specialist	45256	RC-010	24
Technical Advisor I	45251	RC-010	18
Technical Advisor II	45252	RC-010	20
Technical Advisor III	45253	RC-010	23

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-010 pay grade have the Option 8L. See the definition of option in Section 310.50.

**Effective July 1, 2011
Bargaining Unit: RC-010**

**For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401

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20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23H	B	36.31	38.24	40.20	42.10	44.04	45.96	48.86	50.82
24	B	6281	6614	6963	7294	7633	7975	8477	8815

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23H	B	37.02	38.99	40.99	42.93	44.91	46.86	49.82	51.82
24	B	6404	6743	7099	7437	7782	8132	8643	8988

**Effective January 1, 2012
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4532	4750	4971	5198	5409	5626	5961	6201

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18	Q	4733	4968	5197	5433	5655	5880	6233	6481
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23H	B	36.77	38.72	40.71	42.63	44.59	46.53	49.47	51.45
24	B	6360	6697	7050	7385	7728	8075	8583	8925

Effective February 1, 2012**Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23H	B	37.51	39.50	41.52	43.49	45.48	47.46	50.46	52.48
24	B	6487	6831	7191	7533	7883	8237	8755	9104

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 13680, effective August 15, 2012)

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Activity Therapist Supervisor	00163	RC-062	20
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22

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Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20

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Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Educational Diagnostician	12965	RC-062	12
Educator – Provisional	13105	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22

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Forensic Scientist Trainee	15897	RC-062	15
Gaming Licensing Analyst	17171	RC-062	13
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17

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Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
International Marketing Representative I, Department of Agriculture	21761	RC-062	14
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15

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Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2, 7 Gaming Board and Departments Department of Healthcare and Family Services and Revenue, 8C and 8F executive chief	37015	RC-062	24

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pilot function Department of Transportation			
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29)	38369	RC-062	27
Revenue Audit Supervisor (See Note)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21)	38371	RC-062	19
Revenue Auditor I (See Note)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24)	38372	RC-062	22

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Revenue Auditor II (See Note)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26)	38373	RC-062	24
Revenue Auditor III (See Note)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062	13
Revenue Auditor Trainee (See Note)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Senior Public Service Administrator, Option 7 Gaming Board and Department of Revenue	40070	RC-062	26
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20

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Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-062 pay grade have the following options: 2; 7; 8B; 8C; 8F; 8Y; and 8Z. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the Option 7. See the definition of option in Section 310.50.

For the Revenue Tax Specialist II position classification title only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist position classification titles only – Effective July 1, 2010, State employees appointed to positions allocated to the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist classifications shall be assigned to the pay grades:

Revenue Audit Supervisor, RC-062-29
Revenue Auditor I, RC-062-21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Revenue Auditor II, RC-062-24
 Revenue Auditor III, RC-062-26
 Revenue Auditor Trainee, RC-062-25
 Revenue Computer Audit Specialist, RC-062-27

if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia.

Effective July 1, 2011
Bargaining Unit: RC-062

For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012

<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>
09	B	3096	3192	3294	3396	3505	3608	3779	3930
09	Q	3222	3320	3428	3533	3648	3757	3937	4096
09	S	3288	3389	3498	3606	3722	3830	4012	4173
10	B	3195	3313	3410	3523	3634	3746	3938	4097
10	Q	3324	3445	3550	3671	3785	3904	4112	4276
10	S	3393	3514	3622	3741	3857	3983	4188	4355
11	B	3314	3426	3536	3665	3785	3903	4110	4274
11	Q	3447	3570	3686	3818	3946	4070	4290	4461
11	S	3515	3639	3756	3891	4020	4147	4367	4540
12	B	3447	3574	3690	3828	3954	4100	4320	4491
12	Q	3588	3721	3844	3992	4127	4277	4511	4691
12	S	3658	3792	3916	4068	4206	4357	4591	4775
12H	B	21.21	21.99	22.71	23.56	24.33	25.23	26.58	27.64
12H	Q	22.08	22.90	23.66	24.57	25.40	26.32	27.76	28.87

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NOTICE OF PEREMPTORY AMENDMENTS

12H	S	22.51	23.34	24.10	25.03	25.88	26.81	28.25	29.38
13	B	3577	3708	3849	3993	4138	4294	4532	4713
13	Q	3725	3861	4013	4171	4323	4482	4737	4926
13	S	3796	3936	4091	4250	4399	4563	4818	5011
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
14H	B	22.95	23.82	24.75	25.84	26.78	27.80	29.42	30.59
14H	Q	23.93	24.84	25.85	26.97	27.98	29.05	30.74	31.96
14H	S	24.37	25.33	26.31	27.45	28.47	29.55	31.23	32.46
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833
16H	B	24.98	26.09	27.26	28.38	29.57	30.75	32.57	33.86
16H	Q	26.06	27.26	28.49	29.67	30.89	32.13	34.04	35.42
16H	S	26.57	27.74	28.98	30.18	31.39	32.64	34.52	35.90
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484
19	B	4716	4957	5191	5430	5661	5897	6256	6506

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19	J	4716	4957	5191	5430	5661	5897	6256	6506
19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881
20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	U	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709
24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	J	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	J	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	U	7143	7535	7936	8336	8725	9117	9705	10093
26	Q	7488	7894	8312	8732	9141	9549	10167	10574

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	J	7627	8042	8466	8894	9312	9730	10358	10773
27	U	7627	8042	8466	8894	9312	9730	10358	10773
28	B	8002	8435	8883	9333	9771	10208	10869	11306
29	U	8397	8853	9321	9795	10253	10713	11406	11862

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

<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>
09	B	3156	3254	3358	3462	3573	3678	3853	4007
09	Q	3285	3385	3495	3603	3719	3830	4014	4177
09	S	3353	3456	3566	3676	3795	3905	4090	4255
10	B	3257	3378	3477	3592	3706	3820	4015	4178
10	Q	3389	3512	3619	3743	3859	3980	4192	4360
10	S	3459	3583	3693	3815	3932	4061	4270	4441
11	B	3379	3493	3606	3737	3859	3979	4190	4358
11	Q	3514	3640	3759	3893	4024	4150	4374	4549
11	S	3584	3711	3829	3968	4099	4229	4452	4629
12	B	3514	3644	3763	3903	4031	4181	4404	4579
12	Q	3659	3794	3920	4071	4208	4361	4600	4783
12	S	3729	3867	3993	4148	4289	4443	4681	4868
12H	B	21.62	22.42	23.16	24.02	24.81	25.73	27.10	28.18
12H	Q	22.52	23.35	24.12	25.05	25.90	26.84	28.31	29.43
12H	S	22.95	23.80	24.57	25.53	26.39	27.34	28.81	29.96
13	B	3647	3780	3925	4072	4219	4378	4621	4806

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	Q	3798	3936	4091	4253	4408	4570	4830	5022
13	S	3871	4013	4171	4334	4486	4653	4913	5110
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
14H	B	23.40	24.29	25.24	26.35	27.30	28.34	29.99	31.19
14H	Q	24.39	25.32	26.36	27.50	28.53	29.62	31.35	32.59
14H	S	24.84	25.82	26.83	27.99	29.03	30.13	31.84	33.10
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948
16H	B	25.46	26.60	27.79	28.94	30.15	31.35	33.21	34.53
16H	Q	26.57	27.79	29.05	30.25	31.50	32.76	34.71	36.11
16H	S	27.08	28.29	29.56	30.78	32.01	33.28	35.19	36.60
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	J	4809	5054	5293	5537	5772	6012	6378	6633
19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448
21	U	5365	5642	5914	6190	6472	6741	7162	7448
21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871
22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880
24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	J	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	J	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	U	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
27	B	7776	8199	8632	9069	9494	9921	10561	10984
27	J	7776	8199	8632	9069	9494	9921	10561	10984
27	U	7776	8199	8632	9069	9494	9921	10561	10984

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

28	B	8159	8601	9057	9516	9962	10408	11082	11527
29	U	8561	9026	9504	9987	10454	10923	11629	12094

Effective January 1, 2012
Bargaining Unit: RC-062

<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>
09	B	3135	3232	3335	3438	3549	3653	3826	3979
09	Q	3262	3362	3471	3577	3694	3804	3986	4147
09	S	3329	3431	3542	3651	3769	3878	4062	4225
10	B	3235	3354	3453	3567	3679	3793	3987	4148
10	Q	3366	3488	3594	3717	3832	3953	4163	4329
10	S	3435	3558	3667	3788	3905	4033	4240	4409
11	B	3355	3469	3580	3711	3832	3952	4161	4327
11	Q	3490	3615	3732	3866	3995	4121	4344	4517
11	S	3559	3684	3803	3940	4070	4199	4422	4597
12	B	3490	3619	3736	3876	4003	4151	4374	4547
12	Q	3633	3768	3892	4042	4179	4330	4567	4750
12	S	3704	3839	3965	4119	4259	4411	4648	4835
12H	B	21.48	22.27	22.99	23.85	24.63	25.54	26.92	27.98
12H	Q	22.36	23.19	23.95	24.87	25.72	26.65	28.10	29.23
12H	S	22.79	23.62	24.40	25.35	26.21	27.14	28.60	29.75
13	B	3622	3754	3897	4043	4190	4348	4589	4772
13	Q	3772	3909	4063	4223	4377	4538	4796	4988
13	S	3843	3985	4142	4303	4454	4620	4878	5074

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259
14	S	4010	4167	4329	4517	4685	4862	5138	5341
14H	B	23.24	24.12	25.06	26.16	27.11	28.14	29.78	30.97
14H	Q	24.23	25.14	26.18	27.30	28.33	29.42	31.13	32.36
14H	S	24.68	25.64	26.64	27.80	28.83	29.92	31.62	32.87
15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906
16H	B	25.29	26.42	27.59	28.73	29.94	31.13	32.97	34.29
16H	Q	26.39	27.59	28.84	30.04	31.28	32.53	34.47	35.86
16H	S	26.90	28.09	29.35	30.56	31.78	33.05	34.95	36.34
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	J	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967
20	B	5045	5301	5546	5811	6064	6315	6698	6966

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	U	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818
24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	J	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	J	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	U	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	J	7722	8143	8572	9005	9428	9852	10487	10908
27	U	7722	8143	8572	9005	9428	9852	10487	10908
28	B	8102	8540	8994	9450	9893	10336	11005	11447

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

29 U 8502 8964 9438 9917 10381 10847 11549 12010

Effective February 1, 2012
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3198	3297	3402	3507	3620	3726	3903	4059
09	Q	3327	3429	3540	3649	3768	3880	4066	4230
09	S	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3433	3558	3666	3791	3909	4032	4246	4416
10	S	3504	3629	3740	3864	3983	4114	4325	4497
11	B	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3630	3758	3879	4019	4151	4283	4510	4689
12	B	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3778	3916	4044	4201	4344	4499	4741	4932
12H	B	21.91	22.71	23.45	24.33	25.13	26.06	27.45	28.54
12H	Q	22.81	23.65	24.43	25.37	26.23	27.18	28.66	29.82
12H	S	23.25	24.10	24.89	25.85	26.73	27.69	29.18	30.35
13	B	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3920	4065	4225	4389	4543	4712	4976	5175
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	S	4090	4250	4416	4607	4779	4959	5241	5448
14H	B	23.70	24.60	25.56	26.68	27.65	28.70	30.38	31.59
14H	Q	24.71	25.65	26.70	27.85	28.90	30.01	31.75	33.01
14H	S	25.17	26.15	27.18	28.35	29.41	30.52	32.25	33.53
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4458	4655	4864	5065	5268	5477	5793	6024
16H	B	25.80	26.95	28.15	29.30	30.54	31.75	33.63	34.97
16H	Q	26.92	28.15	29.42	30.65	31.91	33.18	35.16	36.58
16H	S	27.43	28.65	29.93	31.17	32.42	33.70	35.65	37.07
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	J	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512
21	B	5435	5715	5991	6270	6555	6829	7255	7544

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	U	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	J	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769
25	J	6915	7291	7677	8060	8442	8827	9393	9769
25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298
26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	U	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	J	7876	8306	8743	9185	9617	10049	10697	11126
27	U	7876	8306	8743	9185	9617	10049	10697	11126
28	B	8264	8711	9174	9639	10091	10543	11225	11676
29	U	8672	9143	9627	10115	10589	11064	11780	12250

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 13680, effective August 15, 2012)

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3) Section Numbers: Table of Contents; Source Note; Subpart Headers: F, G, H, I, J, K; Sections 6.390, 6.410, 6.580 and 6.660
- 4) Date Proposal published in Illinois Register: October 7, 2011; 35 Ill. Reg. 16052
- 5) Date Adoption published in Illinois Register: January 6, 2012; 36 Ill. Reg. 230
- 6) Summary and Purpose of Expedited Correction: This rulemaking was proposed one week before an earlier rulemaking on this Part was adopted at 35 Ill. Reg. 16518 in the October 14, 2011 Register. The CPO-DOT's December adoption of this rulemaking filed in the January 6, 2012 Register did not include the changes to this Part's Table of Contents that were made by the October 14th rulemaking. Other corrections in this Request for Expedited Correction correct JCAR's database errors in the Subpart headings and cross reference that were inadvertently omitted from the October 14th rulemaking. Section 5-85 of the Illinois Administrative Procedure Act and JCAR rules at 1 Ill. Adm. Code 245.110(a)(1) authorize the use of Expedited Correction to correct these kinds of errors in an adopted rulemaking.
- 7) Information and questions regarding this request shall be directed to:

Christine Carrona-Beard
Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway Rm. 317
Springfield, Illinois 62764

217/524-3838

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR
THE DEPARTMENT OF TRANSPORTATION
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

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CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

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CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

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6.570 Other Agency Suspensions
6.580 Responsibility
6.590 Continuation of Executory Contracts
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CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

6.610	Notice of Suspension
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Section

6.800	Purpose and Objective
6.810	Definitions
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AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)].

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg 13725, effective December 21, 2011.

SUBPART F: CONTRACT ADMINISTRATION PROTESTS

SUBPART G: PROTESTS

Section 6.390 Application

The procedures of this Subpart GF will govern the resolution of protests received by the CPO from an interested party concerning a contract solicitation.

Section 6.410 Subject of the Protest

- a) A protest may be filed regarding any phase of the solicitation process for a particular contract.
- b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
- c) Protest procedures of this Subpart GF do not apply to issues of prequalification, suspension or debarment.

SUBPART HG: SPECIFICATIONS

SUBPART IH: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section 6.580 Responsibility

Suspension under this Subpart IH will also be deemed a finding of lack of responsibility.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION
REQUEST FOR EXPEDITED CORRECTION

Section 6.660 Computation of Time

- a) Computation of any period of time prescribed by this Subpart H begins with the first business day following the day on which the act, event or development initiating such period of time occurs, and runs until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. When the period of time is five days or less, Saturdays, Sundays and legal holidays are excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that the notice was timely received.

SUBPART J: MISCELLANEOUS

SUBPART K: TARGET MARKET PROGRAM

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Clean Construction or Demolition Debris Fill Operations

Code Citation: 35 Ill. Adm. Code 1100

<u>Section Numbers:</u>	1100.101	1100.204	1100.209	1100.307	1100.510	1100.600
	1100.103	1100.205	1100.211	1100.309	1100.515	1100.605
	1100.104	1100.206	1100.212	1100.412	1100.520	1100.610
	1100.201	1100.207	1100.304	1100.500	1100.525	1100.615
	1100.203	1100.208	1100.306	1100.505	1100.530	

Date Originally Published in the Illinois Register: 2/24/12
36 Ill. Reg. 2801

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Pollution Control Board give further consideration to whether groundwater monitoring should be required for these facilities. This would give the Board the opportunity to receive further comment from parties who may not have submitted their supportive views when groundwater monitoring was an element of this proposal and who may have opinions and information to offer in light of the Board's decision to remove that requirement before going to 1st Notice on this rulemaking.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.80(a)

Date Originally Published in the Illinois Register: 7/13/12
36 Ill. Reg. 10253

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' emergency rule titled Medical Assistance Programs (89 Ill. Adm. Code 120; 36 Ill. Reg. 10253) because it allows HFS to determine outside of rule the approved provider types that may participate in the Department's Recipient Restriction Program. Although PA 97-689 authorizes HFS to determine approved provider types, it does not override the IAPA's requirement that all agency policy be created in rule.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.443(h)

Date Originally Published in the Illinois Register: 7/20/12
36 Ill. Reg. 11329

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules objected to Section 140.443(h) of the Department of Healthcare and Family Services' rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329), a rule adopted using the SMART Act's unique emergency rulemaking authority, a provision that was not required by the SMART Act. The SMART Act limited nursing homes to a 14 day prescription supply limit, but not the other long term care facilities. The emergency rule includes all the long term care facilities.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Numbers: 148.90(a)(2)

Date Originally Published in the Illinois Register: 7/13/12
36 Ill. Reg. 10326

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules objected to Section 148.190(a)(2) of the Department of Healthcare and Family Services' emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) because this provision is contrary to Section 5-4.1 of the Public Aid Code that states that no co-payment shall be charged for emergency room encounters for medical emergencies.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.442(e)(4)

Date Related Proposed Rulemaking Published
in Illinois Register: None

Date Emergency Rule Published in the
Illinois Register: 7/20/12
36 Ill. Reg. 11329

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules voted to object to and suspend Section 140.442(e)(4) of the Department of Healthcare and Family Services' emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329) and to notify the Secretary of State of the suspension of the emergency rule. The reasons for the Objection/Suspension are as follows:

JCAR objects to and suspends Section 140.442(e)(4) of the above cited emergency rule adopted using the SMART Act's unique emergency rulemaking authority because the provision was not required by the SMART Act. JCAR finds that this use of SMART Act's extraordinary rulemaking authority to adopt policy not required by the SMART Act is contrary to the public interest.

The suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Numbers: 148.70(g)

Date Related Proposed Rulemaking Published
in Illinois Register: 6/1/12

Date Emergency Rule Published in the
Illinois Register: 7/13/12
36 Ill. Reg. 10326

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules voted to object to and suspend Section 148.70(g) of the Department of Healthcare and Family Services' emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) and to notify the Secretary of State of the suspension of the emergency rule. The reasons for the Objection/Suspension are as follows:

While JCAR acknowledges HFS' authority to use the unique SMART Act emergency rulemaking authority, JCAR objects to and suspends Section 148.70(g) of the above cited rule because the Department's denial of payment for entire hospital admissions when a Medicare-defined hospital acquired condition occurs is contrary to federal regulations in 42 CFR 447.26(c). By taking more punitive action than required by either the SMART Act or the federal programs, the emergency rules are likely to impede access to care, in contravention of federal statute. JCAR finds that this emergency rule poses a threat to the public interest, safety and welfare.

The suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.491

Date Related Proposed Rulemaking Published
in Illinois Register: None

Date Emergency Rule Published in the
Illinois Register: 7/20/12
36 Ill. Reg. 11329

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules voted to object to and suspend Section 140.491 of the Department of Healthcare and Family Services' emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329) and to notify the Secretary of State of the suspension of the emergency rule. The reasons for the Objection/Suspension are as follows:

JCAR objects to and suspends Section 140.491 of the above cited emergency rule because removal of the exemption from prior approval for transportation of patients from one hospital to another to obtain services not available at the discharging hospital was not required under the SMART Act (PA 97-689). Including this non-SMART Act required provision in this emergency rule exceeds the rulemaking authority granted by the SMART Act. JCAR finds that this unauthorized use of the extraordinary emergency rulemaking authority poses a threat to the public interest.

The suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Numbers: 148.140(b)(1)(F)

Date Related Proposed Rulemaking Published
in Illinois Register: None

Date Emergency Rule Published in the
Illinois Register: 7/13/12
36 Ill. Reg. 10326

At its meeting on August 14, 2012, the Joint Committee on Administrative Rules voted to object to and suspend Section 148.140(b)(1)(F) of the Department of Healthcare and Family Services' emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) and to notify the Secretary of State of the suspension of the emergency rule. The reasons for the Objection/Suspension are as follows:

JCAR objects to and suspends Section 148.140(b)(1)(F) of the above cited emergency rule because the elimination of enhanced payment rates for hospital-based physical therapy is not required or authorized by the SMART Act (PA 97-689). This change is not part of the general 3.5% hospital rate cut required by the SMART Act and far exceeds that amount. In addition, it affects Safety Net Hospitals and Critical Access Hospitals, which the SMART Act specifically exempts from any payment rate cuts. This rulemaking was adopted using the extraordinary emergency rulemaking authority created by the SMART Act. That procedure is not to be used for any other purposes. JCAR finds that using SMART Act's unique rulemaking authority to adopt provisions not required by the SMART Act threatens the public interest.

The suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION
OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

Section Numbers: 300.1230

Date Originally Published in the Illinois Register: 6/24/11
35 Ill. Reg. 9927

Date Filing Prohibition Published in Illinois Register: 3/23/12
36 Ill. Reg. 4460

Date Filing Prohibition Became Effective: 3/6/12

Date Filing Prohibition Withdrawn: 8/14/12

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on August 14, 2012, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking title Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 35 Ill. Reg. 9927), contingent upon and effective with the Department's adoption of the accepted Modifications and the Agreements to the rulemaking. The Committee originally issued this Filing Prohibition at its 3/6/12 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking with the Secretary of State, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules and the modifications submitted in response to the Objection and Filing Prohibition, and from enforcing or invoking the rule.

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 August 14, 2012 through August 20, 2012 and have been scheduled for review by the Committee at its September 11, 2012 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>
9/30/12	<u>Attorney General</u> , Married Families Domestic Violence Grants (89 Ill. Adm. Code 1110)	5/25/12 36 Ill. Reg. 7745	9/11/12
9/30/12	<u>Illinois Commerce Commission</u> , Customer Credits (83 Ill. Adm. Code 732)	10/7/11 35 Ill. Reg. 15718	9/11/12
9/30/12	<u>Department of Financial and Professional Regulation</u> , Illinois Public Accounting Act (68 Ill. Adm. Code 1420)	6/15/12 36 Ill. Reg. 8579	9/11/12
9/30/12	<u>State Board of Education</u> , Charter Schools (23 Ill. Adm. 650)	6/1/12 36 Ill. Reg. 8063	9/11/12
9/30/12	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	6/29/12 36 Ill. Reg. 9377	9/11/12
10/3/12	<u>State Board of Education</u> , Contested Cases and Other Formal Hearings (Repealer) (23 Ill. Adm. Code 475)	3/9/12 36 Ill. Reg. 3782	9/11/12
10/3/12	<u>State Board of Education</u> , Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)	3/9/12 36 Ill. Reg. 3803	9/11/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/3/12	<u>State Board of Education</u> , Appeal Proceedings Before the State Teacher Certification Board (Repealer) (23 Ill. Adm. Code 485)	3/9/12 36 Ill. Reg. 3831	9/11/12
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ILLINOIS ADMINISTRATIVE CODE
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