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September 6, 2013 Volume 37, Issue 36

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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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: School and Campus Safety Grants
- 2) Code Citation: 29 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.10	New Section
310.20	New Section
310.30	New Section
310.40	New Section
310.50	New Section
310.60	New Section
310.70	New Section
- 4) Statutory Authority: Authorized by Section 5(f)(2) and 5(f)(13) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(f)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 5(f) of the Illinois Emergency Management Agency Act, the Illinois Emergency Management Agency (IEMA) is authorized to make grants to public schools and institutions of higher education to implement protective measures to reduce facility vulnerability and risk for human and other all-hazard emergency situations and enhance preparedness and response. [20 ILCS 3305/5(g)] This proposed rulemaking establishes the procedures and criteria for submission of applications by eligible applicants and approval of applications. Grants shall only be available for as long as money is appropriated for that purpose.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify

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NOTICE OF PROPOSED RULES

their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses, small municipalities or not-for-profit corporations.
- 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: None

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED RULES

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER c: ADMINISTRATION AND ORGANIZATION OF LOCAL POLITICAL
SUBDIVISION EMERGENCY SERVICES AND DISASTER AGENCIES

PART 310
SCHOOL AND CAMPUS SAFETY GRANTS

Section

310.10	Purpose and Scope
310.20	Definitions
310.30	Application Procedures
310.40	Application Requirements
310.50	Project Requirements
310.60	Grant Agreement and Reimbursement
310.70	Audit and Grant Fund Recovery

AUTHORITY: Authorized by Section 5(f) and (g) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(f) and (g)].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 310.10 Purpose and Scope

This Part establishes the procedures and criteria for submission and consideration of grant applications for designated safety improvements to eligible public elementary, secondary and post-secondary schools. Grants shall only be available for as long as money is appropriated for that purpose.

Section 320.20 Definitions

"Applicant" means a public K-12 school district, inter-district special education cooperative, public community college district, or public university system located in the State of Illinois.

"Grantee" means an applicant that is awarded a grant under this Part.

"IEMA" means the Illinois Emergency Management Agency.

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"Project" means a specific building or district-wide/campus-wide plan to enhance safety through the purchase and installation of physical security enhancement equipment, inspection and screening systems, information technology, and/or interoperable communications equipment.

Section 310.30 Application Procedures

- a) There will be an initial application period; however, IEMA reserves the right to open additional application periods depending on funding.
- b) IEMA, in collaboration with other venues, will provide notice that the grant application process is open. The notice shall include a deadline for receiving applications and details of the application process. Incomplete or late applications will not be considered.
- c) Applicants may submit only one application for funding per application period. An application may include multiple projects within the school district, cooperative or college or university district or system.
- d) Twenty percent of the total funding available per application period shall be designated for Cook County elementary and secondary education applicants.
- e) Separate grant funding will be designated for colleges/universities and K-12 schools. Funding may be further designated based on student population served by the applicant.

Section 310.40 Application Requirements

- a) Each application shall include the following:
 - 1) Legal name of the applicant;
 - 2) The current number of students enrolled by the applicant;
 - 3) Information about all buildings to be enhanced by requested funding;
 - 4) A narrative statement that describes the known school safety hazards, threats, vulnerabilities and risks posed to the applicant; and

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NOTICE OF PROPOSED RULES

- 5) A narrative statement that describes what steps the applicant has taken in the past five years to mitigate the known school safety hazards, threats, vulnerabilities and risks posed to the applicant.
- b) The application shall include the following information for each project:
- 1) A narrative statement that describes the projects proposed for funding and how the protective activities outlined in the project will reduce the vulnerability of the student population;
 - 2) The methodology that was used to determine the appropriate protective activities outlined in the project, including list of law enforcement officials or other subject matter experts who provided input to the school in the determination of protective needs and project prioritization;
 - 3) A description of any equipment compatibility considerations;
 - 4) The current student population in each educational facility that will be affected by the project;
 - 5) Project budget and timeline;
 - 6) Certification of compliance with the National Incident Management System;
 - 7) Certification that each educational facility to be enhanced by the project has a current emergency operations plan (see 29 Ill. Adm. Code 305 and 1500);
 - 8) A copy of a long-term lease agreement that extends a minimum of 10 years from the date of the application if the project affects leased property; and
 - 9) Point of contact for each project.

Section 310.50 Project Requirements

- a) Grants will be awarded to purchase and install physical security enhancement equipment, inspection and screening systems, information technology, and/or

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NOTICE OF PROPOSED RULES

interoperable communications equipment for buildings where students are primarily taught in academic classes. All extended warranty, service agreements and maintenance costs not included in the cost of the equipment at the time of purchase are the responsibility of the applicant.

- b) Grants will be awarded based on the following criteria:
- 1) The necessity of the funding based on the known school safety hazards, threats and risks identified by the applicant;
 - 2) The ability of the funding to enhance the safety of the student population;
 - 3) An evaluation of the likelihood of project completion during the grant period;
 - 4) Compliance with the National Incident Management System;
 - 5) Existence of a current emergency operations plan at each educational facility for which funding is sought;
 - 6) Interoperability with existing equipment (if applicable);
 - 7) Prioritization of projects by the applicant;
 - 8) Sustainability of the project; and
 - 9) The availability of funding.
- c) This is a competitive grant program. IEMA reserves the right to deny any grant applications or to provide reduced funding to any applicant.
- d) Funds received under a school safety grant may supplement, but shall not supplant, State or local funds for the same purposes. Supplanting means using school safety grant funds to replace State or local funds that otherwise would have been spent on the project.
- e) Projects must be completed within 12 months after receipt of the grant award or as otherwise specified in the grant agreement.

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Section 310.60 Grant Agreement and Reimbursement

- a) IEMA shall execute a grant agreement with each applicant to whom a grant is awarded. The grant agreement shall specify the parties to the grant, the term of the grant, the amount of the grant, that unspent grant funds shall be returned to the State as required by the Illinois Grant Funds Recovery Act [30 ILCS 705], that the State of Illinois may audit records required to be maintained to verify that grant funds were used for permissible uses under the grant, and that the grant agreement shall cease if funds for the grant are not appropriated by the General Assembly, and any other standard provisions required to be included in grant agreements entered into by the State.
- b) Following execution of the grant agreement, a grantee shall submit a copy of documents that verify expenditures or anticipated expenditures to IEMA for review in accordance with the approved application budget.
- c) IEMA may either reimburse a grantee for eligible expenditures, as indicated in the grant agreement, or may advance funds to a grantee for eligible expenditures, but only upon the grantee's submission of a bid, invoice or other similar document showing the exact cost of the anticipated expenditure.

Section 310.70 Audit and Grant Fund Recovery

- a) Grant funds shall be used exclusively for the purposes identified in the grant application and shall be expended in accordance with this Part and the grant agreement.
- b) Grantees shall maintain documentation of expenditures under the grant for a minimum of five years. Documentation shall be maintained so that it is readily accessible during an audit.
- c) The State of Illinois shall have the right to inspect equipment procured and to audit and obtain copies of the books, records, and any other recorded information of the grantee related to grantee expenses for which grantee received compensation under this Part.
- d) The State of Illinois shall have the right of recovery of the grant funds in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act [30 ILCS 705].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Sex Offender Evaluation and Treatment Provider Act
- 2) Code Citation: 68 Ill. Adm. Code 1280
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1280.10	New Section
1280.20	New Section
1280.30	New Section
1280.40	New Section
1280.50	New Section
1280.60	New Section
1280.70	New Section
1280.80	New Section
1280.90	New Section
1280.100	New Section
1280.110	New Section
1280.120	New Section
1280.130	New Section
- 4) Statutory Authority: Implementing the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements the provisions of Public Act 97-1098, which created the Sex Offender Evaluation and Treatment Provider Act. The Act requires that IDFPR license sex offender evaluators, sex offender treatment providers and associate sex offender providers. It also requires the Department to establish a Sex Offender Evaluation and Treatment Licensing and Disciplinary Board.
- 6) Any published studies or reports, along with the 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Craig Cellini, Rules Coordinator
Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax #: 217/557-4451

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed physicians, nurses, psychologists, professional counselors, clinical social workers and marriage and family therapists may be affected.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Professional skills in one or more of the fields of medicine, nursing, psychology, counseling, social work and marriage and family therapy will be necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1280

SEX OFFENDER EVALUATION AND TREATMENT PROVIDER ACT

Section

1280.10	Application for Licensure as a Sex Offender Evaluator
1280.20	Experience Defined Sex Offender Evaluator
1280.30	Application for Licensure as a Sex Offender Treatment Provider
1280.40	Experience Defined Sex Offender Treatment Provider
1280.50	Application for Licensure as an Associate Sex Offender Provider
1280.60	Supervision of Associate Sex Offender Providers
1280.70	Renewal
1280.80	Restoration
1280.90	Inactive Status
1280.100	Fees
1280.110	Unethical, Unauthorized or Unprofessional Conduct
1280.120	Continuing Education
1280.130	Granting Variances

AUTHORITY: Implementing the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Old Part repealed at 13 Ill. Reg. 513, effective December 29, 1988; new Part adopted at 37 Ill. Reg. _____, effective _____.

Section 1280.10 Application for Licensure as a Sex Offender Evaluator

An applicant for licensure as a sex offender evaluator shall file an application on forms provided by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division). The applicant will be required to meet the licensure and education requirements set forth in Section 35 of the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109] (Act).

- a) The applicant must provide proof that he or she holds an active license as one of the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act [225 ILCS 65] or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107] or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act [225 ILCS 55] or an equivalent license under the laws of another state;
- b) The applicant must comply with the experience requirements set forth in Section 1280.20.
 - c) The applicant must demonstrate completion of 40 clock hours of documented training in the specialty of sex offender evaluations, treatment or management. The clock hours required under this subsection must comply with Section 1280.120.
 - d) The applicant must pay the required fee set forth in Section 1280.100.

Section 1280.20 Experience Defined Sex Offender Evaluator

An applicant must complete the following:

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NOTICE OF PROPOSED RULES

- a) 400 hours of supervised experience in the treatment or evaluation of sex offenders in the last 4 years. At least 200 of these 400 supervised hours must be face-to-face therapy or evaluation with sex offenders. Experience shall have been supervised by an individual or individuals who, at the time the supervision took place:
 - 1) were included in the Illinois Sex Offender Management Board Approved Provider List and completed a minimum of 25 evaluations;
 - 2) held an active license as a sex offender evaluator and completed a minimum of 25 evaluations; or
 - 3) if the experience was gained out of state, meet the qualifications required to receive a license as a sex offender evaluator under the Act, and have completed 25 evaluations.
- b) At least 10 sex offender evaluations under supervision in the past 4 years. The supervisor must meet the qualifications set forth in subsection (a).
- c) Experience earned to obtain a sex offender treatment provider license may be used to satisfy the requirements of subsection (a).

Section 1280.30 Application for Licensure as a Sex Offender Treatment Provider

- a) An applicant for licensure as a sex offender treatment provider shall file an application on forms provided by the Division. The applicant will be required to meet the licensure and education requirements set forth in Section 35 of the Act.
- b) The applicant must provide proof that he or she holds an active license as one of the following:
 - 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- c) The applicant must comply with the experience requirements set forth in Section 1280.40.
 - d) The applicant must demonstrate completion of 40 hours of documented training in the specialty of sex offender evaluations, treatment or management. The clock hours required under this subsection must comply with Section 1280.120.
 - e) The applicant must pay the required fee set forth in Section 1280.100.

Section 1280.40 Experience Defined Sex Offender Treatment Provider

An applicant must complete 400 hours of supervised experience in the treatment of sex offenders in the last 4 years. At least 200 of these 400 supervised hours must be face-to-face therapy with sex offenders. Experience shall have been supervised by an individual or individuals who, at the time the supervision took place:

- a) were included in the Illinois Sex Offender Management Board Approved Provider List;
- b) held an active license as a sex offender treatment provider with 5 years clinical experience providing sex offender treatment; or
- c) if the experience was gained out of state, meet the qualifications required to receive a license as a sex offender treatment provider under the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Section 1280.50 Application for Licensure as an Associate Sex Offender Provider

- a) A person is qualified for licensure as an associate sex offender provider if that person:
 - 1) has applied in writing on forms prepared and furnished by the Department;
 - 2) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of the Act;
 - 3) has demonstrated compliance with the educational requirement as set forth in Section 35(c) of the Act and Section 1280.50(b); and
 - 4) has paid the required fee set forth in Section 1280.100.

- b) Pursuant to Section 35(c) of the Act, the applicant must provide evidence that the person holds a master's degree or higher in social work, psychology, marriage and family therapy, counseling or a closely related behavioral science, or psychiatry. The Division, upon recommendation of the Board, has determined that either of the following shall be evidence of completion of an acceptable educational program:
 - 1) Completion of a master's degree or higher in social work, psychology, marriage and family therapy, counseling or a closely related behavioral science, or psychiatry from a program certified by one of the following:
 - A) American Psychological Association;
 - B) Council on Social Work Education;
 - C) Council for Accreditation of Counseling and Related Educational Programs;
 - D) Council on Rehabilitation Education; or
 - E) Commission on Accreditation for Marriage and Family Therapy Education;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 2) Issuance of a license in this State as one of the following. For the purposes of this Section, the license does not need to be active at the time of application:
 - A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
 - F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act.

Section 1280.60 Supervision of Associate Sex Offender Providers

Individuals licensed as an associate sex offender provider may only provide services under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider. Supervision shall be appropriate to the client and the skill and training of the licensees.

- a) The supervisor shall have met in-person with the applicant at least one hour each week. Supervision means the review of counseling and case management.
- b) Supervision must be face-to-face, real-time communication and may include video or other electronic communication. In-person supervision does not include mail, email, telefax or phone.
- c) Acceptable modes for supervision of direct client contact are as follows:

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- 1) Individual supervision: The supervisory session is conducted by a supervisor with one supervisee present;
 - 2) Group supervision: The supervisory session is conducted by a supervisor with no more than 5 supervisees present.
- d) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
 - e) A supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
 - f) The following activities are not acceptable clinical supervision:
 - 1) Peer supervision;
 - 2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive;
 - 3) A primary didactic process in which techniques or procedures are taught in a classroom, workshop or seminar.
 - g) When providing services as an associate sex offender provider, the associate provider shall not represent himself or herself as a sole or independent practitioner. An associate sex offender provider providing services shall always operate and represent himself or herself as providing services through or as a part of a group practice or through a clinical supervisor's practice. A licensed associate sex offender provider providing clinical services shall provide the name and contact information of his or her associate sex offender provider's supervisor to all clients.

Section 1280.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be July 31 of odd-numbered years. Thereafter, every registration issued under the Act shall expire on July 31 of odd-numbered years.

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- b) The holder of a license as sex offender evaluator or sex offender treatment provider may renew his or her license during the month preceding the expiration date by paying the required fee and certifying that the licensee holds a current license as:
- 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- c) The holder of a license as associate sex offender provider may renew his or her license during the month preceding the expiration date by paying the required fee.
- d) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- e) Practice on a non-renewed license shall be considered unlicensed practice.

Section 1280.80 Restoration

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- a) Individuals licensed as a sex offender evaluator or sex offender treatment provider whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fee required by Section 1280.100, submitting proof of compliance with any CE requirements, and certifying that the licensee holds a license as:
- 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- b) Individuals licensed as an associate sex offender provider whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fee required by Section 1280.100 and submitting proof of compliance with any CE requirements.
- c) Individuals licensed as a sex offender evaluator seeking restoration of a license that has been expired or been placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide proof of the following:

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- 1) Active licensure as one of the following:
 - A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state; and
- 2) Fitness to practice by submitting one of the following:
 - A) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - B) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;

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- C) an affidavit attesting to military service as provided in Section 45(c) of the Act;
 - D) proof of completion of 10 offender evaluations under supervision as described in Section 1280.20; or
 - E) proof of completion of an additional 20 hours of continuing education in the evaluation of sex offenders that complies with Section 1280.110 within 2 years prior to application for restoration.
- d) Individuals licensed as a sex offender treatment provider seeking restoration of a license that has been expired or been placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide proof of the following:
- 1) Active licensure as one of the following:
 - A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or

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- F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state; and
- 2) Fitness to practice by submitting one of the following:
 - A) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - B) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - C) an affidavit attesting to military service as provided in Section 45(c) of the Act; or
 - D) proof of completion of an additional 20 hours of continuing education in the treatment of sex offenders that complies with Section 1280.110 within 2 years prior to application for restoration.
- e) Individuals licensed as an associate sex offender provider seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide the following:
 - 1) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - 2) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 3) an affidavit attesting to military service as provided in Section 45(c) of the Act.

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- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- g) An applicant shall have the license restored or be notified in writing of the reason for denying the application.
- h) Practice on a non-renewed license shall be considered unlicensed practice.

Section 1280.90 Inactive Status

- a) A licensee who notifies the Division, on forms provided by the Division, may place his or her license on inactive status and shall be excused from paying renewal fees until he or she notifies the Division in writing of the intention to resume active practice.
- b) A licensee seeking restoration from inactive status shall do so in accordance with Section 1280.80.
- c) A licensee whose license is on inactive status shall not use the title sex offender evaluator, sex offender treatment provider, or associate sex offender provider in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.
- d) Practice on an inactive license shall be considered unlicensed practice.

Section 1280.100 Fees

The following fees shall be paid to the Department and are not refundable:

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- a) Application Fees
 - 1) The fee for original application for a license as a sex offender evaluator is \$150.
 - 2) The fee for original application for a license as a sex offender treatment provider is \$150.
 - 3) The fee for original application for a license as an associate sex offender provider is \$150.
- b) Renewal Fees
 - 1) The fee for renewal of licensure as a sex offender evaluator is \$150.
 - 2) The fee for renewal of licensure as a sex offender treatment provider is \$150.
 - 3) The fee for renewal of licensure as an associate sex offender provider is \$150.
- c) General Fees
 - 1) The fee for restoration of a license other than from inactive status that has been expired for 5 years or less is \$50 plus payment of all lapsed renewal fees.
 - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$50 plus payment of all lapsed renewal fees, but shall not exceed \$500.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

Section 1280.110 Unethical, Unauthorized or Unprofessional Conduct

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The Division may suspend or revoke any license issued under the Act, refuse to renew a license or take other disciplinary action, based upon its finding of unethical, unauthorized or unprofessional conduct within the meaning of Section 80 of the Act, which is interpreted to include, but is not limited to, the following acts or practices. These standards shall apply to any license issued under the Act.

a) Professional Relationships

- 1) Practicing, condoning, facilitating, collaborating with or engaging in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status or any basis prescribed by law. Licensees shall not discriminate against clients, students, employees, supervisees or research participants in a manner that has a negative impact on these persons.
- 2) Engaging in any action that violates or diminishes the civil or legal rights of clients.
- 3) Engaging in the sexual exploitation of clients, clients' romantic partners, or clients' family members, students or supervisees.
- 4) Engaging in or condoning sexual harassment, including, but not limited to, deliberate or repeated comments, gestures or physical contacts of a sexual nature, that occurs in connection with professional activities or roles.
- 5) Bringing personal or professional biases into the professional relationship. Through an awareness of the impact of stereotyping and discrimination (i.e., biases based on age, disability, ethnicity, gender, religion or sexual preference), licensees guard the individual rights and personal dignity of the client in the professional relationship.
- 6) Engaging in any type of sexual or romantic intimacies with clients, clients' romantic partners, or clients' family members. Licensees shall not provide professional services to persons with whom they have had a sexual relationship, including the person's romantic partners or family members.

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- 7) Engaging in sexual intimacies with former clients, clients' romantic partners or clients' family members prior to 5 years after termination of the counselor/client relationship.
 - 8) Engaging in any nonprofessional relationships with clients, former clients, clients' romantic partners, or clients' family members should be avoided, except when the interaction is potentially beneficial to the client. All potentially beneficial relationships must be documented in case notes, and conducted with full client consent. When unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, due to nonprofessional interaction, the licensees must show evidence of an attempt to remedy that harm.
 - 9) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the licensee's qualifications, credentials and relevant experience; and continuation of services upon the incapacitation or death of a licensee. Licensees must take steps to ensure that clients understand the implications of diagnosis, the intended use of assessments and reports, billing arrangements, and length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.
- b) Confidentiality
- 1) Failing to inform clients at the onset of the professional relationship of the limits of confidentiality. These include, but are not limited to, limitations mandated by the law, requirements to protect clients or identified others from serious and foreseeable harm, or when the licensee is a defendant in a civil, criminal or disciplinary action arising from the counseling.
 - 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 75 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or any other federal or State laws pertaining to confidentiality.

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- 3) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.
- c) Scope of Practice/Professional Responsibility
- 1) Performing or pretending to be able to perform professional services beyond one's scope of practice and one's competency, as defined by education, training, supervised experience, State and national professional credentials, and appropriate professional experience.
 - 2) Abandoning or neglecting clients and/or failing to refer and/or make appropriate arrangements for the continuation of treatment, when necessary, during interruptions, such as vacations or illness, and following termination.
 - 3) Failing to use techniques/procedures/modalities that are grounded in professionally accepted theory and/or have an empirical or scientific foundation. Licensees who do not use these tools must define the techniques/procedures as "unproven" or "developing", explain the potential risk and ethical considerations of using the techniques/procedures, and take steps to protect clients from possible harm.
 - 4) Failing to establish and maintain client records and case notes, including failing to inform clients of issues related to the difficulty of maintaining the confidentiality of electronically transmitted communication. Records must be maintained for at least 7 years. In the case of a minor, records must be maintained for at least 7 years after the minor turns 18.
 - 5) Failing to inform clients of the benefits and limitations of using information technology applications in the counseling or evaluation process and in business/billing procedures. These technologies include, but are not limited to, computer hardware and software, telephone, the internet, online assessment instruments, and other communication devices.

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- 6) Advertising shall not be deceptive, misleading or false. Licensees should claim or imply only professional credentials possessed and are responsible for correcting any misrepresentation of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional memberships, or any other credential that might indicate to the public specialized knowledge or expertise in professional counseling.
 - 7) Submission of fraudulent claims for services to any person or entity, including, but not limited to, health insurance companies or health service plans or third party payors.
 - 8) Knowingly offering or providing services to a client when the licensee's ability to practice is impaired; failing to seek assistance for problems that reach the level of professional impairment; failing to, if necessary, limit, suspend or terminate professional responsibilities until it is determined that it is safe to resume work; or offering professional services when the licensee's personal problems or conflicts may harm a client or others. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- d) Supervision
- 1) Permitting a supervisee or intern under his/her supervision or control to perform, or permitting the supervisee or intern to hold himself or herself out as competent to perform, professional services beyond the supervisee's or intern's level of education, training and/or experience.
 - 2) Allowing a supervisee to violate the rights of clients, permitting a supervisee to violate the confidentiality standards or client privacy, or failing to provide clients with professional disclosure information and inform them of how the supervision process influences the limits of confidentiality, including who will have access to records of the professional relationship and how these records will be used.
 - 3) Participating in any form of sexual or romantic contact with supervisees. Nonprofessional relationships with supervisees that might impair the

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supervisor's objectivity and professional judgment should be avoided and/or the supervisory relationship terminated.

- e) Evaluation, Assessment and Interpretation
 - 1) Failing to have appropriate education and training for each specific assessment, to recognize the limits of the licensee's competence, and to perform only those functions for which the licensee prepared. In particular, licensees using technology-assisted test interpretations must be trained in the construct being measured and the specific instrument being used prior to using the technology-based application.
 - 2) Failing to inform prospective research participants or their authorized representatives fully of potential serious after-effects of the research or failing to remove the after-effects as soon as the design of the research permits.
- f) The Division hereby incorporates by reference the Ethical Principles in the Professional Code of Ethics (2001 edition) published by the Association for the Treatment of Sexual Abusers (ATSA), 4900 S.W. Griffith Drive, Suite 274, Beaverton, Oregon 97005; or <http://www.atsa.com/atsa-code-ethics>. A copy of the Code is available at the office of the Chair of the Board in the Office of the Attorney General, 100 W. Randolph St., 11th Floor, Chicago, Illinois 60601 or www.illinoisattorneygeneral.gov/communities/somb. This incorporation by reference does not include any later amendments or editions.

Section 1280.120 Continuing Education

- a) Continuing Education (CE) Hours Requirements
 - 1) In order to renew a license, a licensee shall be required to complete 20 hours of CE in the area of sex offender treatment and evaluation.
 - 2) A prerenewal period is the 24 months proceeding July 31 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.

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- 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Individuals licensed under the Act in Illinois but residing and practicing in other states shall comply with the CE requirement set forth in this Section.
 - 6) CE credit hours used to satisfy the CE requirements of another jurisdiction maybe applied to fulfill the CE requirements of the State of Illinois.
 - 7) CE credit hours completed pursuant to this Section may be used to satisfy the CE requirements under other related Acts.
- b) Approved Continuing Education
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved CE sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2) or (3).
 - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of graduate level related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded. Courses that are audited shall not satisfy the requirements of this Section.
 - 3) CE credit may be earned for verified teaching in the field of sexual offenders in an accredited college, university or graduate school and/or as an instructor of CE programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit must be obtained in this category per prerenewal period.
- c) Approved CE Sponsors and Programs

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- 1) Sponsor, as used in this Section, shall mean:
 - A) American Psychological Association or its affiliates
 - B) National Association of Social Work or its affiliates
 - C) American Association for Marriage and Family Therapy or its affiliates
 - D) American Medical Association or its affiliates
 - E) Illinois Psychological Association or its affiliates
 - F) Association for the Treatment of Sexual Abusers
 - G) Illinois Association for Treatment of Sexual Abusers
 - H) American Counseling Association or its affiliates
 - J) American Nurse Credentialing Center or its affiliates
 - K) Authorized CE providers under the Marriage and Family Therapy Licensing Act
 - L) Authorized CE providers under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act
 - M) Authorized CE providers under the Clinical Psychologist Licensing Act
 - N) Authorized CE providers under the Clinical Social Work and Social Work Practice Act
 - O) Authorized CE providers under the Nurse Practice Act
 - P) Authorized CE providers under the Medical Practice Act of 1987
 - Q) Any regionally accredited school, college or university, or any State agency

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- R) American Probation and Parole Association
- 2) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the treatment and/or evaluation of sexual offenders;
 - B) Foster the enhancement of general or specialized clinical sexual offender treatment and evaluation practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
 - 3) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed at a later date. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
 - 4) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance, and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

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- 5) All programs given by approved sponsors shall be open to all licensees and not be limited to members of a single organization or group.
 - 6) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor or person responsible for the CE program.
 - 7) The sponsor shall maintain attendance records for not less than 5 years.
 - 8) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 9) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until the Division receives assurances of compliance with requirements of this Section.
 - 10) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with this Section.
- d) Certification of Compliance with CE Requirements

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- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in this Section.
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance for the previous 8 years.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days after expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(2).
 - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per CE hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(2).
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Division shall restore the license upon payment of the fee required by Section 1280.100.
- g) Waiver of CE Requirements

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- 1) Any applicant for renewal of a license who has not fully complied with the CE requirements of this Section shall file with the Division a renewal application, along with the required fee, a statement setting forth the facts concerning noncompliance, and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division finds, upon the written recommendation of the Board and from the affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician, advanced practice nurse or physician assistant, or an incapacitating mental illness documented by a statement by a currently licensed clinical psychologist or Board-certified psychiatrist;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician or advanced practice nurse; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Division.

Section 1280.130 Granting Variances

- a) The Director may grant variances from this Part in individual cases when he or she finds that:

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- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rules from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.523 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The emergency-proposed amendment is authorized by PA 98-104 and allows for bed reserve payments to ICF/DDs for therapeutic visits when a resident is 21 years of age or older.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.24	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.28	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.481	Amendment	37 Ill. Reg. 5243; April 26, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013
140.80	Amendment	37 Ill. Reg. 10941; July 19, 2013
140.492	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.493	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.462	Amendment	37 Ill. Reg. 12637; August 16, 2013
140.539	Amendment	37 Ill. Reg. 13998; August 30, 2013
- 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: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233
HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded clinics
 - 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 anticipated by the Department when the most recent regulatory agendas were published.

The full text of the Proposed Rulemaking is identical to the Emergency Rulemaking that begins on page 14196:

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Parking Agreements at Secretary of State Facilities
- 2) Code Citation: 92 Ill. Adm. Code 1150
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1150.10	New Section
1150.20	New Section
- 4) Statutory Authority: 15 ILCS 305/12, as amended by PA 98-179
- 5) Complete Description of the Subjects and Issues Involved: This new Part establishes requirements for the leasing of parking spaces located on Secretary of State property by public or private entities or individuals.
- 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: The proposed rulesmaking does not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*.

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Carrie E. Leitner
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

cleitner@ilsos.net

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].

These proposed rules may have an impact on 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: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Department did not anticipate the need for this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1150
PARKING AGREEMENTS AT SECRETARY OF STATE FACILITIES

Section	
1150.10	Definitions
1150.20	Leasing of Parking Spaces

AUTHORITY: Authorized by Section 12 of the Secretary of State Act [15 ILCS 305/12].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 1150.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Facility" – a facility that is owned by the Secretary of State.

"Lessee" – a public or private entity or individual requesting to lease parking space or spaces at a Secretary of State facility.

"Secretary" – the Secretary of State of Illinois or his or her designee.

Section 1150.20 Leasing of Parking Spaces

a) To lease a parking space or spaces at a facility, the lessee must obtain a signed "lease" from the Secretary that stipulates the following terms:

1) General:

A) The effective dates of the lease;

B) A description of the property to be covered under the terms of the lease;

C) An agreed-upon reasonable lease fee to be paid to the Secretary in consideration for use of the designated property;

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- D) Should the lessee or the Secretary wish to terminate the lease for any reason prior to the expiration date, the lessee or the Secretary must be notified 30 days prior to the lease's termination;
 - E) During the term of the lease, the lessee shall not utilize, make alterations to, further sublet, or in other ways legally encumber the designated parking spaces or parts of a parking space so as to interfere with the intended use of the property;
 - F) The lessee agrees to hold harmless and indemnify the State of Illinois and its agents, and the Secretary and/or his or her employees, from any and all claims, demands, liabilities, judgments and executions that may arise as a direct or indirect result of any such lease or actions taken in reliance on that lease;
 - G) The Secretary in no way implies or assures through the execution of any such lease, or confers upon the designated property, the legal status of invitee to whom a duty of care is owed, or assumes liability responsibility for injury to person/property caused through parking at the designated property.
- b) No parking space shall be leased to an entity or individual if the leasing interferes with the operational needs of the Secretary. The Secretary shall determine, on a case by case basis, whether the lease would interfere with the daily operations of the Secretary.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Motor Fuel and Petroleum Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60 Adopted Action:
Amendment
- 4) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370]
- 5) Effective Date of Rulemaking: September 16, 2013
- 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 rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6413
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: In subparagraph (c), "Section 2.1" is replaced with "Section 2.1.2"; after "2013 edition" in parenthesis, "and any of its subsequent supplements or revisions" is stricken; and a sentence is added to the end of subparagraph (c) that states "These standards do not include any later amendments or editions."
- 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 rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Until May 1, 2013, Section 850.60 delayed enforcement of the Standard Fuel Specifications provided in Section 2.1.3 of the National Institute of Standards and Technology (NIST) Handbook 130 (2011 edition) for gasoline-oxygenate blends sold or offered for sale in Illinois. Since Section 850.60 currently

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references an outdated version and section of the NIST Handbook 130, Section 850.60 is being amended so that the quality of gasoline-oxygenate blends sold or offered for sale in this State will be consistent with the changes set forth in the 2013 edition of the NIST Handbook 130.

- 16) Information and questions regarding this adopted 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 Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELSPART 850
MOTOR FUEL AND PETROLEUM STANDARDS ACT

Section

850.10	Written Complaint Required
850.20	Access to Motor Fuels and Records
850.30	Responsibility for Standards of Quality
850.40	Administrative, Laboratory and Sampling Fees
850.50	Label on Motor Fuel Dispensing Device
850.60	ASTM Standards

AUTHORITY: Implementing and authorized by the Motor Fuel and Petroleum Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14685, effective September 24, 2012; amended at 37 Ill. Reg. 14004, effective September 16, 2013.

Section 850.60 ASTM Standards

- a) *The standards set forth in the Annual Book of (ASTM) American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department. [815 ILCS 370/4]*

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- b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.
- c) ~~The Effective January 1, 2010, the~~ quality of gasoline-oxygenate blends sold or offered for sale in this State shall meet the standards set forth in Section ~~2.1.22.1.3~~ of the Uniform Engine Fuels, ~~Petroleum Products,~~ and Automotive Lubricants Regulations as provided under the National Institute of Standards and Technology Handbook 130, ~~(20132011~~ edition, NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, <http://www.nist.gov/pml/wmd/pubs/hb13013.cfm>~~http://www.nist.gov/pml/wmd/pubs/hb130-11.cfm~~). These standards do not include any later amendments or editions. The previous standards set forth in Sections 2.1.1.1 and 2.1.1.2 are specifically rejected and replaced by Section 2.1.3. The Department will delay enforcement of the standards in Section 2.1.3 until May 1, 2013.

(Source: Amended at 37 Ill. Reg. 14004, effective September 16, 2013)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology
- 2) Code Citation: 32 Ill. Adm. Code 401
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
401.20	Amendment
401.30	Amendment
401.40	Amendment
401.50	Amendment
401.70	Amendment
401.100	Amendment
401.140	Amendment
401.APPENDIX D	New Section
401.APPENDIX E	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36]
- 5) Effective Date of Rulemakings: August 22, 2013
- 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 rulemakings, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 2783; March 15, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Delete subsection 401.30(c)(a) and relabel subsequent subsections accordingly.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will these rulemakings replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking:

In Section 401.20, advanced practice nurse, authorized user, CT, PET, physician assistant, portable x-ray service provider, SPECT, and a new accreditation category, the Nuclear Medicine Advanced Associate (NMAA) are now defined. Four more organizations have now achieved RCEEM (recognized continuing education evaluating mechanism) status and been added. The limited diagnostic radiographer definition has also been expanded to prohibit any of these individuals from performing any radiographic exams for a portable x-ray service provider.

Under the Section 401.30, the Agency is proposing to exempt the following individuals from the Agency's radiography accreditation requirement and allow an accredited nuclear medicine technologist to perform CT radiographic exams as part of a PET/CT or SPECT/CT combination exam; and allow an accredited nuclear medicine technologist or radiation therapist who is also certified in CT by the American Registry of Radiologic Technologists (ARRT) to perform CT radiographic exams

In Section 401.40(e) and (f), the requirement for a letter of agreement/delegation for both the radiologist assistant and nuclear medicine advanced associated is now specified by rule as part of the application process.

A new accreditation category for the Nuclear Medicine Advanced Associate (NMAA) has been added and the required examination and continuing education requirement for renewal specified.

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

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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217/785-9860 (voice)

217/524-3698 (fax)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF
MEDICAL RADIATION TECHNOLOGY

Section

401.10	Policy and Scope
401.20	Definitions
401.30	Exemptions
401.40	Application for Accreditation
401.50	Categories of Accreditation
401.60	Examination Requirements (Repealed)
401.70	Examination Requirements
401.80	Approved Program (Repealed)
401.90	Student-in-Training in Limited Diagnostic Radiography
401.100	Initial Issuance of Accreditation
401.110	Duration of Accreditation (Repealed)
401.120	Suspension, Revocation and Denial of Accreditation
401.130	Fees
401.140	Requirements for Renewal of Accreditation
401.150	Reciprocity (Repealed)
401.160	Additional Requirements for Radiographers Performing Mammography (Repealed)
401.170	Civil Penalties
401.APPENDIX A	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
401.APPENDIX B	Example Topics Directly Related to Radiologic Sciences (Repealed)
401.APPENDIX C	Minimum Training Requirements for Radiographers Performing Mammography (Repealed)
<u>401.APPENDIX D</u>	<u>Example Letter of Agreement for Radiologist Assistant</u>
<u>401.APPENDIX E</u>	<u>Example Letter of Agreement for Nuclear Medicine Advanced Associate</u>

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

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SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. 14008, effective August 22, 2013.

Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

"Accreditation" – The process by which the Illinois Emergency Management Agency grants permission to persons meeting the requirements of the Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]

"ACRRT" – American Chiropractic Registry of Radiologic Technologists, 52 W Colfax Street, Palatine, Illinois 60067-5048, Phone (847) 705-1178, website: www.acrrt.com.

"Act" – The Radiation Protection Act of 1990 [420 ILCS 40].

~~"Administers Ionizing Radiation" – see "Applies Ionizing Radiation"~~

~~"Advanced Practice Nurse" – A person who practices in accordance with the provisions set forth for advanced practice nurses in the Nurse Practice Act [225 ILCS 65].~~

"Agency" – The Illinois Emergency Management Agency.

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"Applies Ionizing Radiation" or "Administers Ionizing Radiation" – The acts of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, which if performed improperly would result in the re-administration of radiation.

"Approved Program" – A formal education program in the respective discipline of radiography, nuclear medicine technology or radiation therapy that is accredited by one or more of the following:

Joint Review Committee on Education in Radiologic Technology

Joint Review Committee on Educational Programs in Nuclear Medicine
Technology~~Techology~~

Regional Institutional Accrediting Agencies

Conjoint Secretariat on the Canadian Medical Association

Australian Institute of Radiography.

"ARRT" – The American Registry of Radiologic Technologists, 1255 Northland Drive, St. Paul MN 55120-1155, Phone (651) 687-0048, website: www.rrt.org.

"Authorized User" – A licensed practitioner who is identified as an authorized user on a license or equivalent permit issued by the Agency, Nuclear Regulatory Commission or Agreement State that is authorized to permit the medical use of radioactive material.

"Board" – The Radiologic Technologist Accreditation Advisory Board (RTAAB).

"Bone Densitometer" – An x-radiation producing device that is manufactured specifically for, and limited to, bone densitometry.

"Bone Densitometry" – The science and art of applying x-radiation to human beings for determination of site specific bone density.

"Category A Credit" – An activity that qualifies as a continuing education activity as defined in this Part.

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"CBRPA" – Certification Board for Radiology Practitioner Assistants, [225 Dupont Street, P.O. Box 1626, Lander WY 82520, Phone \(307\) 335-5201+074-E 2750 N, Ogden UT 84414-2741, Phone \(801\) 782-8671](#), website: www.cbrpa.org.

"Chiropractic Radiographer" – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.

"Chiropractic Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Continuing Education Activity" – A learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying professional performance that a technologist uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, be organized and provide sufficient depth and scope of a subject area.

"Continuing Education Credit" or "CE Credit" – Unit of measurement for continuing education activities. One continuing education credit is awarded for one contact hour (50 minutes). Activities longer than one hour are assigned whole or partial credits based on the 50-minute hour. Educational activities of 30-49 minutes of duration will be awarded one-half of one CE credit. Activities that last less than 30 minutes will receive no credit.

"Credentialing" – Any process whereby a State government or non-governmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

"CT" or "Computed Tomography" – The production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Director" – The Director of the Illinois Emergency Management Agency.

"Ionizing Radiation" – Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

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"In vitro" – Isolated from the living organism.

"In vivo" – Occurring within the living organism.

"Licensed Practitioner" – A person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.

"Limited Diagnostic Radiographer" – A person, other than a licensed practitioner, who, while under the general supervision of a licensed practitioner, applies x-radiation for diagnostic purposes. Radiographic procedures are limited to one or more of the following anatomical regions: chest, extremities, skull/sinus or spine. However, a limited diagnostic radiographer may not perform any radiographic exam for a portable x-ray service provider.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A ~~of this Part.~~

"Medical Radiation Technology" – The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes. The five specialized disciplines of Medical Radiation Technology are Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, and Radiologist Assistant.

"Medical Radiographer" – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

"Medical Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes.

"NMTCB" – Nuclear Medicine Technology Certification Board, 3558 Habersham At Northlake, Building I, Tucker GA 30084-4009~~2970 Clairmont Road, Suite 935, Atlanta GA 30329~~, Phone (404) 315-1739, website: www.nmtcb.org.

"Nuclear Medicine Advanced Associate" – A person, other than a licensed practitioner, who, as a nuclear medicine technologist with advanced training and certifications, performs a variety of activities under the direct, general or personal

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supervision of a licensed practitioner, who is also an authorized user of radioactive materials, in the areas of patient care, patient management, clinical imaging and invasive or therapeutic procedures. A Nuclear Medicine Advanced Associate may not make diagnoses or prescribe medications or therapies.

"Nuclear Medicine Technologist" – A person, other than a licensed practitioner, who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

"Nuclear Medicine Technology" – The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

"PET" or "Positron Emission Tomography" – A nuclear medicine imaging technique that produces a three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

"Physician Assistant" – A person who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Portable X-Ray Service Provider" – A registrant who, under a physician's authorization, provides diagnostic x-ray procedures with hand-held or mobile radiographic equipment in a patient's place of residence.

"Radiation Therapist" – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" – The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

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"Radiologist Assistant" – A person, other than a licensed practitioner, who, as a medical radiographer with advanced-level training and certification, performs a variety of activities under the direct, general or personal supervision of a radiologist, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, in the areas of patient care, patient management, clinical imaging and interventional procedures. The Radiologist Assistant may not interpret images, make diagnoses or prescribe medications or therapies.

"Recognized Continuing Education Evaluation Mechanism" or "RCEEM" – A mechanism for evaluating the content, quality and integrity of an educational activity. The evaluation shall include a review of educational objectives, content selection, faculty qualifications, and educational methods and materials. Among the requirements for qualification as an RCEEM, an organization shall be national in scope, non-profit, radiology based and willing to evaluate the CE activity developed by any technologist within a given discipline. Organizations with current RCEEM status include:

American College of Radiology

American Healthcare Radiology Administrators

American Institute of Ultrasound in Medicine

[American Roentgen Ray Society](#)

[American Society of Nuclear Cardiology](#)

American Society of Radiologic Technologists

[Association of Vascular and Interventional Radiographers](#)

Canadian Association of Medical Radiation Technologists

[Medical Dosimetrist Certification Board](#)

Radiological Society of North America

Society of Diagnostic Medical Sonography

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Section for Magnetic Resonance Technologist of the International Society
for Magnetic Resonance in Medicine

Society of Nuclear Medicine Technologist Section

Society of Vascular Ultrasound.

"SPECT" or "Single Photon Emission Computed Tomography" – A nuclear
medicine tomographic imaging technique using gamma rays.

"Supervision" – Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes. For purposes of this Part, supervision shall consist of one of the following:

Personal – The required individual must be in attendance in the room during the performance of the procedure.

Direct – The required individual must be present in at least an adjacent area and immediately available to furnish assistance and direction throughout the performance of the procedure.

General – The procedure is furnished under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Agency shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:

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- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.
- 2) A person registered with the Agency as a student-in-training in limited diagnostic radiography pursuant to Section 401.90 ~~of this Part~~ who, as a student, applies ionizing radiation to human beings while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer. The procedures performed shall be limited to the procedures listed in Appendix A ~~of this Part~~ and applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Agency and shall only apply for 16 months.
- 3) *A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]*
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the general supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) ~~of this Part~~ during such time as that person is under the personal supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited. This exemption is specific to the facility at which the accreditation is valid.
- 7) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, administers

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radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.

- 8) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, performs bone densitometry.
- 9) An accredited nuclear medicine technologist who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.
- 10) An accredited nuclear medicine technologist or radiation therapist who, certified in CT by ARRT, performs CT radiographic exams.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.40 Application for Accreditation

- a) Any person applying to the Agency for initial accreditation or renewal of accreditation shall:
 - 1) submit a complete and legible application form;
 - 2) pay the appropriate application fee in accordance with Section 401.130 ~~of this Part~~; and
 - 3) provide evidence that he/she has met the requirements for the given category and status of accreditation that is sought.
- b) Persons applying for Active Status Accreditation shall submit evidence of registration, Board certification, or other examination as appropriate pursuant to Section 401.70 ~~of this Part~~.
- c) Persons applying for accreditation in Limited Diagnostic Radiography (i.e., limited-chest, limited-extremities, limited-skull and sinuses and limited-spine) shall submit evidence that they have passed the required examinations as specified in Section 401.70(b)(6) ~~of this Part~~.
- d) Persons applying for Temporary Accreditation shall submit evidence of

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graduation from an approved program.

- e) Persons applying for accreditation as a radiologist assistant shall submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.
- f) Persons applying for accreditation as a nuclear medicine advanced associate shall submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.
- g)e) Application fees required by this Part are nonrefundable.
- h)f) Accreditation shall be valid for a specified period of time and shall entitle the individual to privileges consistent with the category and status of accreditation indicated unless the accreditation is suspended or revoked in accordance with Section 401.120 ~~of this Part~~.
- i)g) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in [Section 80 of the Nuclear Safety Law of 2004 \[20 ILCS 3310/80\]](#).
- j)h) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the payment of child support orders pursuant to the provisions and procedures set forth in [Section 10-65 of the Illinois Administrative Procedure Act \[5 ILCS 100/10-65\]](#).

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.50 Categories of Accreditation

The Agency shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:

- a) Medical Radiography;
- b) Nuclear Medicine Technology;

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- c) Radiation Therapy Technology;
- d) Chiropractic Radiography;
- e) Limited Diagnostic Radiography; ~~and~~
- f) Radiologist Assistant; ~~and-~~
- g) Nuclear Medicine Advanced Associate.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.70 Examination Requirements

- a) Persons who seek active or limited accreditation in medical radiation technology shall pass the appropriate examination as specified in subsection (b) ~~of this Section.~~
- b) Examinations appropriate to category of accreditation are as follows:
 - 1) Medical Radiography
The American Registry of Radiologic Technologists (R) (ARRT)
 - 2) Nuclear Medicine Technology
 - A) The American Registry of Radiologic Technologists (N) (ARRT)
 - B) The Nuclear Medicine Technology Certification Board (NMTCB)
 - C) The American Society of Clinical Pathologists (NM) (ASCP)
 - 3) Radiation Therapy Technology
The American Registry of Radiologic Technologists (T) (ARRT)
 - 4) Chiropractic Radiography
American Chiropractic Registry of Radiologic Technologists (ACRRT),
provided that the examination was administered after June 30, 1984

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- 5) Radiologist Assistant
- A) The American Registry of Radiologic Technologists (RRA) (ARRT)
 - B) Certification Board for Radiology Practitioner Assistants (RPA) (CBRPA)

6) Nuclear Medicine Advanced Associate

The Nuclear Medicine Technologist Certification Board (NMAA) (NMTCB)

7) Limited Diagnostic Radiography

The American Registry of Radiologic Technologists (ARRT) Examination for the Limited Scope of Practice in Radiography

- A) The exam will cover general radiography topics and, depending on the type of limited radiography sought, specific questions related to radiography of the chest, extremities, skull/sinus or spine.
- B) All exams shall be scheduled through the Agency.
- C) The passing score shall be 65 percent for any combination of sections of the exam.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.100 Initial Issuance of Accreditation

- a) The Agency shall issue and recognize the following types of accreditation:
 - 1) Active Status Accreditation for persons who have passed an examination as indicated in Section 401.70(b) ~~of this Part~~.
 - 2) Temporary accreditation for persons who have completed an approved program in medical radiography, nuclear medicine technology or radiation

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therapy technology and are eligible for the examination specified in Section 401.70(b) ~~of this Part~~. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination.

- 3) Conditional Accreditation Type I for persons in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Agency will consult Health Systems Agencies or County or Local Health Departments and will evaluate the availability of alternative radiology services and trained personnel.
 - 4) Conditional Accreditation Type II for persons who, 24 months prior to July 1, 1989, were employed in medical radiation technology and who otherwise did not meet the qualifications for accreditation. Issuance shall be contingent upon submission of a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Agency in accordance with this Section shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. The Agency shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140 ~~of this Part~~.
 - 5) Limited Diagnostic Radiography Accreditation for persons who have passed examinations as indicated in Section 401.70(b)(~~76~~) ~~of this Part~~.
- b) All persons who have received accreditation from the Agency, pursuant to the terms of this Section, shall promptly notify the Agency of any permanent or temporary change in their designated mailing address and of any change in name due to marriage or for any other reason. Notification to the Agency shall be made in writing, by telephone or electronically through the Agency's Internet Web Site. Failure of the accredited individual to forward such information to the Agency, as required by this subsection (b), shall not be considered to be a valid cause for

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delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Agency.

- c) The duration of issuance of Active Status, Temporary (nonrenewable), Conditional Type I, Conditional Type II or Limited Diagnostic Radiography Accreditation shall be 2 years.
- d) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be 2 years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.140 Requirements for Renewal of Accreditation

- a) Prerequisites
 - 1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period. An individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Agency during such time as an application may be pending. Such approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for the filing of continuing education records, or is undergoing an Agency audit of continuing education records.
 - 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130 ~~of this Part~~. Submission of a timely and sufficient application for renewal shall hold the prior accreditation valid until such time as the Agency acts to grant or deny renewal of accreditation. The Agency will grant or deny renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.

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b) Continuing Education Requirements

All applicants for renewal of accreditation shall have participated in an approved program that includes the amount of continuing education as indicated in subsection (b)(1)-~~of this Section~~:

1) The required effort in continuing education credits for each category of medical radiation technology is as follows:

A)	Medical Radiology	24 CE credits
B)	Nuclear Medicine Technology	24 CE credits
C)	Radiation Therapy Technology	24 CE credits
D)	Chiropractic Radiology	24 CE credits
E)	Limited Diagnostic Radiography	12 CE credits
F)	Radiologist Assistant	50 CE credits
G)	<u>Nuclear Medicine Advanced Associate</u>	<u>48 CE credits</u>

2) The options for meeting the CE requirements are:

A) A continuing education activity approved by the Agency. Relevant CE activities will be approved if submitted 30 days in advance, with appropriate documentation consisting of:

- i) The Agency's CE approved request form,
- ii) Course Outline,
- iii) Course Objectives, and
- iv) Instructor's curriculum vitae.

B) Category A Activities – A continuing education activity that meets one of the following criteria:

- i) Activities approved by an RCEEM.

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- ii) Approved academic courses offered by a post-secondary educational institution that are relevant to the radiologic sciences and/or patient care. Courses in the biologic sciences, physical sciences, communication (verbal and written), mathematics, computers, management or education methodology are considered relevant. Credit will be awarded at the rate of 12 CE credits for each academic quarter or 16 CE credits for each academic semester credit.
- iii) Advanced Life Support, or Instructor or Instructor Trainer CPR certification through the Heart Association or the Red Cross will be awarded 6 CE credits.

AGENCY NOTE: Illinois is currently approved as meeting ARRT CE criteria. As such, technologists accredited by the Agency may count all Agency approved CE activities as Category A.

- C) Technologists may also meet CE requirements (24 credits) by passing an additional primary or post-primary (advance level) exam, approved or acceptable to ARRT. A listing of approved or acceptable exams is available from ARRT or the Agency.
- 3) Individual courses may be applicable to more than one category of accreditation.
 - 4) All technologists accredited by the Agency are required to maintain proof of participation in CE activities. This proof may be in the form of a certificate or an itemized list from an ARRT approved record keeping mechanism. All documentation shall include:
 - A) name of participant,
 - B) dates of attendance,
 - C) title and content of the activity,
 - D) number of contact hours for the activity,

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- E) name of the sponsor,
 - F) signature of the instructor or an authorized representative of the sponsor issuing the documentation, and
 - G) a reference number if the activity has been approved by an RCEEM or the Agency.
- 5) Technologists seeking renewal will be required to attest that they have acquired the required number of CE credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation of CE. Failure to respond to the Agency's audit request and/or failure to provide acceptable documentation may result in a refusal to renew accreditation as provided in Section 401.120(a)(14) ~~of this Part~~.
- 6) Technologists who are registered with ARRT, NMTCB, or CBRPA and who are in compliance with CE requirements or on CE probation at the time of renewal with the Agency will be considered in compliance with the CE requirements of this Part.
- c) Nonrenewal of Accreditation
- 1) The Agency shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.
 - 2) If the Agency does not find satisfactory evidence that the individual meets these requirements, the Agency shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.
 - 3) The individual, at any time while an application is pending, may submit additional information to the Agency in order to establish that the identified areas of deficiency have been met or corrected.

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- 4) If the applicant does not provide additional information to the Agency within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Agency shall issue a Notice of Accreditation Denied.
- 5) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4) ~~of this Section~~. After the Agency has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70. The individual shall have the burden of proof in accordance with 32 Ill. Adm. Code 200.150.
- 6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The application shall be reviewed and processed in accordance with the requirements of this Section, except that an individual may not legally apply ionizing radiation to human beings until and unless the Agency has acted to grant the application for renewal of accreditation.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

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Section 401.APPENDIX D Example Letter of Agreement for Radiologist Assistant

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a radiologist assistant, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnoses or prescribe medications or therapies.

I am a radiologist, licensed by the State of Illinois as a physician, and certified by the American Board of Radiology or the American Osteopathic Board of Radiology (select the appropriate Board).

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)

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Section 401.APPENDIX E Example Letter of Agreement for Nuclear Medicine Advanced Associate

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a nuclear medicine advanced associate, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnoses or prescribe medications or therapies.

I am a physician, licensed by the State of Illinois, whose name appears as an authorized user on Radioactive Materials License (License Number) issued by the Illinois Emergency Management Agency.

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)

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- 1) Heading of the Part: Health Maintenance Organization
- 2) Code Citation: 50 Ill. Adm. Code 5421
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
5421.20	Amendment
5421.30	Amendment
5421.40	Amendment
5421.50	Amendment
5421.60	Amendment
5421.100	Amendment
5421.110	Amendment
5421.112	Amendment
5421.113	Amendment
5421.141	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4-6.1, 4-17, 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/4-6.1, 4-17, 5-2 and 5-7]
- 5) Effective Date of Rulemaking: August 26, 2013
- 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 12957; August 16, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? Yes
- 11) Differences between Proposal and Final Version:
 - a) Section 5421.20, within the definition of "Notice of Availability", deleted "100 W. Randolph Street, Suite 9-301, Chicago, Illinois 60601-3251" and add "122 S. Michigan Avenue, 19th Floor, Chicago, Illinois 60603".

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- b) Section 5421.110(i), replaced all text with the following:
- i) Deductibles and Copayments
 - 1) An HMO may require deductibles and copayments of enrollees as a condition for the receipt of specific health care services, including basic health care services. Deductibles and copayments shall be the only allowable charge, other than premiums, assessed enrollees. Nothing within this subsection (i) shall preclude the provider from charging reasonable administrative fees, such as service fees for checks returned for non-sufficient funds and missed appointments.
 - 2) Copayments and deductibles appearing in the policy shall be for specific dollar amounts or for specific percentages of the cost of the health care services.
 - 3) No combination of deductibles and copayments for the receipt of basic health care services may exceed the annual maximum out-of-pocket expenses of a high deductible health plan as defined in 26 USC. 223.
 - 4) Deductibles and copayments applicable to supplemental health care services, catastrophic-only plans as defined under the federal Affordable Care Act, or pre-existing conditions are not subject to the annual limitations described in this Section.
 - 5) This subsection (i) applies to enrollees and does not limit the health care plan payment for services provided by non-participating providers.
- 12) Have all 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 rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

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The federal Affordable Care Act (ACA) proposes to establish one-stop marketplaces called Exchanges. The purpose of such exchanges is to enable consumers and small businesses to choose high quality, affordable private health insurance plans that fit their health needs. The ACA specifies that beginning in 2014 insurance newly sold to individuals and small businesses through an Exchange or otherwise must be at one of four actuarial value levels: 60% (a bronze plan), 70% (a silver plan), 80% (a gold plan), and 90% (a platinum plan). These tiers do not apply to coverage already in existence meeting certain conditions (so-called "grandfathered" plans).

The ACA also requires that plans cap the maximum out-of-pocket costs for enrollees, based on the out-of-pocket limits in high-deductible plans that are eligible to be paired with a Health Savings Account. Under the federal initiative, these limits are \$5,950 for an individual and \$11,900 for a family, and will be adjusted over time after 2014 based on increases in premiums.

Previously under Part 5421, out of pocket costs were capped at \$3,000 for individuals and \$6,000 for families and were subject to a 50% floor for benefits. It was not possible under these rules for an HMO product to be offered at the Bronze level to individuals purchasing coverage through the Health Care Exchange because of the limitations. In order to make HMO coverage available to these individuals, the Department amended the Part to conform to the ACA cost sharing maximums so that they are consistent with the amendments to Section 4-20 of the HMO Act by P.A. 97-1148, effective January 24, 2013. In addition, housekeeping changes were made throughout the rulemaking.

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

Yvonne Clearwater
Deputy Director, Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield, Illinois 62767

217/785-5987

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL~~
~~REGULATION~~

SUBCHAPTER kkk: HEALTH CARE SERVICE PLANS

PART 5421

HEALTH MAINTENANCE ORGANIZATION

Section

5421.10	Scope
5421.20	Definitions
5421.30	Valuation of Investments
5421.40	Grievance Procedure
5421.50	Contracts, Administrative Arrangements and Material Modifications
5421.60	Rates
5421.70	Subordinated Indebtedness
5421.80	Financial Reporting
5421.90	Conflict of Interest and Required Disclosure
5421.100	Solicitation
5421.110	Requirements for Group Contracts, Evidences of Coverage and Individual Contracts
5421.111	Cancellation
5421.112	Form Filing Requirements
5421.113	Point of Service Plan Requirements
5421.120	Internal Security Standards and Fidelity Bonds
5421.130	Basic Health Care Services
5421.131	Basic Outpatient Preventive and Primary Health Care Services for Children
5421.132	Required Coverage for Reconstructive Surgery Following Mastectomies
5421.140	General Provisions
5421.141	HMO Producer Licensing Requirements
5421.142	Limited Insurance Representative Requirements – Public Aid and Medicare Enrollers
5421.150	Severability
5421.160	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Sections 4-6.1, 4-17, 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/4-6.1, 4-17, 5-2 and 5-7].

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SOURCE: Filed June 16, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 3016; amended at 15 Ill. Reg. 199, effective December 28, 1990; amended at 20 Ill. Reg. 10639, effective July 25, 1996; recodified at 21 Ill. Reg. 1729; emergency amendment at 21 Ill. Reg. 15262, effective November 18, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 6671, effective March 31, 1998; amended at 23 Ill. Reg. 5690, effective May 3, 1999; emergency amendment at 26 Ill. Reg. 5146, effective March 25, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13088, effective August 19, 2002; amended at 28 Ill. Reg. 14412, effective October 19, 2004; amended at 30 Ill. Reg. 4732, effective March 2, 2006; amended at 37 Ill. Reg. 14032, effective August 26, 2013.

Section 5421.20 Definitions

Act means the Health Maintenance Organization Act [215 ILCS 125].

Advertisement means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations (Section 1-2(1) of the Act).

Base Rates means the rate generated before any classification deviations are applied.

Basic Health Care Services means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are set forth in this Part (see Section 1-2(3) of the Act).

Cancellation means the termination of a group contract, evidence of coverage or individual contract by an HMO prior to the expiration date of the group contract, evidence of coverage or individual contract.

Consumer means any enrollee, provided that such individual is not or has not been in the previous two years: an employee (including his spouse or dependent) of the HMO or affiliate of the HMO; or a provider furnishing health care services to the HMO or affiliate of the HMO.

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Copayment means the amount an enrollee must pay in order to receive a specific covered service which is not fully prepaid.

Deductible means the amount an enrollee is responsible to pay out-of-pocket before the HMO begins to pay the costs associated with treatment.

Director means the Director of the Illinois Department of ~~Financial and Professional Regulation Division of~~ Insurance (see Section 1-2(2) of the Act).

~~Department Division~~ means the Illinois Department of ~~Financial and Professional Regulation Division of~~ Insurance.

~~Department Division~~ of Insurance Complaint means a written complaint filed by or on behalf of an enrollee, with the ~~Department Division~~ pursuant to Section 4-6 of the Act [215 ILCS 125/4-6], excluding complaints filed by Illinois Department of Public Aid HMO members under Section 5-11 [305 ILCS 5/5-11] and complaints subject to handling by the Centers for Medicare and Medicaid Services (CMMS) pursuant to a contract entered into between CMMS and the HMO.

Enrollee means an individual who has been enrolled in a health care plan.
(Section 1-2(4) of the Act).

Evidence of Coverage means any certificate, agreement, or contract issued to enrollees setting out the coverage to which they are entitled in exchange for a per capita prepaid sum (Section 1-2(5) of the Act).

Governing Body means the board of trustees, or directors, or if otherwise designated in the basic organizational document bylaws, those individuals vested with the ultimate responsibility for the management of any organization that has been issued, or is applying for, a certificate of authority as an HMO.

Grievance means any written complaint submitted to the HMO by or on behalf of an enrollee regarding any aspect of the HMO relative to the enrollee, but shall not include any complaint by or on behalf of a provider.

Grievance Committee means individuals who have been appointed by the HMO to respond to grievances which have been filed on appeal from the HMO's

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simplified complaint process established pursuant to Section 5421.40(d) of this Part. At least 50 % of the individuals on this committee shall be composed of enrollees who are consumers.

Group Contract means a contract for health care services which by its terms limits eligibility to members of a specified group (Section 1-2(6) of the Act).

Health Care Plan means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of any basic health care services from providers selected by the HMO and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such services, except as otherwise authorized by Section 2-3 of the Act, on a per capita prepaid basis, through insurance or otherwise (see Section 1-2(7) of the Act). A health care plan also includes any arrangement whereby an organization undertakes to provide, or arrange for, or pay for, or reimburse the cost of any health care services for persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code [305 ILCS 5/5-16.3] through providers selected by the organization and the arrangement consists of making provision for the delivery of health care services, as distinguished from mere indemnification. A health care plan also includes any arrangement pursuant to Section 4-17 of the Act [215 ILCS 125/4-17]. Nothing in the definition of Health Care Plan, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

Health Care Services means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury (Section 1-2(8) of the Act).

HMO means Health Maintenance Organization.

Individual Contract means a contract for health care services issued to and covering an individual. The individual contract may include dependents of the subscriber.

Limited Insurance Representative means an individual appointed by an HMO to represent the HMO in the enrollment of recipients of public aid or Medicare in the

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HMO.

Managed Care Organization (MCO) means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

Notice of Availability of the [Department Division](#) as required by this Part shall be no less informative than the following:

The regulations of the Illinois [Department Division](#) of Insurance (50 Ill. Adm. Code 5421.110(n)) require that we advise you that if you wish to take this matter up with the Illinois [Department Division](#) of Insurance it maintains a Consumer Division in Chicago at [122 S. Michigan Avenue, 19th Floor](#)~~100 W. Randolph Street, Suite 9-301~~, Chicago, Illinois ~~6060360601-3254~~ and in Springfield at 320 West Washington Street, Springfield, Illinois 62767-0001.

Point of Service Plan means a plan in which an eligible enrollee is covered under both an HMO evidence of coverage and an indemnity insurance policy or certificate and may select, on a point of service basis, between using the HMO or the indemnity benefit program.

Primary Care Physician means a provider who has contracted with an HMO to provide primary care services as defined by the contract and who is:

a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or

a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery (77 Ill. Adm. Code 240.2).

Producer means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment (see Section 1-2(13) of the Act).

Provider means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health care services and also includes any other

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entity that arranges for the delivery or furnishing of health care services (Section 1-2(12) of the Act). For purposes of Section 5421.50 of this Part, Provider shall also mean an MCO.

Renewal means the issuance and delivery by an HMO of a group contract or individual contract superseding at the end of the contract period a contract previously issued and delivered by the same HMO or the issuance and delivery of a certificate or notice extending the term of the group or individual contract beyond its contract term.

Solicitation means any method by which information relative to an HMO is made known to the public for the purpose of informing or influencing potential enrollees to enroll in a Health Care Plan, regardless of the media or technique used.

State means any governing body, department, or agency of the State of Illinois which has regulatory authority governing the Act.

Subscriber means a person who has entered into a contractual relationship with the HMO for the provision of or arrangement of at least Basic Health Care Services to the beneficiaries of such contract (Section 1-2(15) of the Act).

Supplemental Health Care Services means any health care service other than basic health care services.

Usual and Customary Fee shall mean the fee as reasonably determined by the HMO that is based on the fee which the provider who renders the service usually charges its patients for the same service and the fee is within the range of usual fees other providers of similar type, training and experience in a similar geographic area charge their patients for the same service, under similar or comparable circumstances.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.30 Valuation of Investments

- a) The "Valuations of Securities Manual", as of December 31, 1994 (no later editions or amendments), as published by the National Association of Insurance Commissioners (NAIC), shall be used for valuing securities for which valuations

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are not otherwise defined by statute or rule. The Director shall disallow any procedure prescribed by that manual if the Director deems it necessary to ascertain the condition and affairs of the company. In making this determination, the Director shall consider such factors as:

- 1) the nature of the investment (stocks or bonds);
 - 2) the financial condition of the issuing company;
 - 3) the applicability of other standardized accounting procedures; and
 - 4) other factors affecting the accuracy of the valuation.
- b) The following procedure shall be required for the listed investment:
- 1) **Real Estate**
Written appraisals for real estate investments shall be submitted to the [DepartmentDivision](#) for review 15 days following the end of the month in which the real estate was acquired. Real estate investments requiring approval under Section 3-1(h)(16)(iii) of the Act [215 ILCS 125/3-1(h)(16)(iii)] shall have an appraisal. The appraisal shall be reviewed to insure that the appraisal was performed by a member of the American Institute of Real Estate Appraisers in the customary manner and that the appraisal supports the valuation amount expressed by the company in its annual statement.
 - 2) **Valuation of Investments Otherwise Defined**
A company that has an investment that cannot be valued in accordance with the procedures outlined in subsection (b)(1) must file a request for valuation with the [DepartmentDivision](#) within 15 days following the end of the month in which the investment is acquired. This request shall include at a minimum the following information:
 - A) A description of the investment;^{2,5}
 - B) Date of acquisition;^{2,5}
 - C) Name of vendor;^{2,5}

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- D) Cost of investment to company;⁵
- E) Par value, if relevant;⁵
- F) Rate and/or amount of interest, dividend or other compensation earned or accrued;⁵
- G) Any other significant terms of the investment.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.40 Grievance Procedure

- a) Every HMO shall submit for the Director's approval, and maintain, a system for the resolution of grievances concerning the provision of health care services or other matters concerning operation of the HMO as follows. Each HMO shall:
 - 1) Submit to the Director for prior approval any proposed changes to the system by which grievances may be filed and reviewed;
 - 2) Maintain records of each grievance, filed with the HMO until the grievance is resolved and for a period of at least 3 years, that includes:
 - A) A copy of the grievance, the date of its filing;
 - B) The date and outcome of all consultations, hearings and hearing findings;
 - C) The date and decisions of any appeal proceedings; and
 - D) The date and proceedings of any litigation;
 - 3) Submit to the Director, in a form prescribed by the Director, a report by March 1 for the previous calendar year that includes at least the following:
 - A) the total number of grievances handled;
 - B) a compilation of causes underlying the grievances;

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- C) the outcomes of the grievances;
 - D) the elapsed time from receipt of the grievance by the HMO until its conclusion; and
 - E) the number of malpractice claims filed and, if those claims have been completely adjudicated, a compilation of causes, disposition, form and amount of any settlements.
- b) Every HMO shall have a grievance committee with the authority to hear and resolve by majority vote grievances submitted to it as provided in subsection (a).
- 1) Notwithstanding any other provisions of this Section, the grievance committee may, but is not required to, hear any grievance that alleges or indicates possible professional liability, commonly known as "malpractice".
 - 2) The committee is not empowered to resolve grievances in any manner, or prescribe any actions, that are in conflict with written policies of the HMO's Governing Body, but the committee may hear such grievances for the purpose of providing input to the Governing Body.
 - 3) The grievance committee shall meet at the main office of the HMO, or other office designated by the HMO if the main office is not within 50 miles of the grievant's home address. Consideration shall be given to the enrollee's request pertaining to the time and date of the meeting. The enrollee shall have the right to attend and participate in the formal grievance proceedings. The enrollee shall have the right to be represented by a designated representative of his or her choice.
 - 4) The filing of a grievance shall not preclude the enrollee from filing a complaint with the [Department Division](#), nor shall it preclude the [Department Division](#) from investigating a complaint pursuant to its authority under Section 4-6 of the Act.
- c) The grievance procedures must be fully and clearly communicated to all enrollees and information concerning grievance procedures shall be readily available to the enrollee.

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- d) Every HMO shall have simplified procedures for resolving complaints. The procedures do not require review of the complaint by the grievance committee, but a log, file, or other similar records must be maintained to identify the general nature of the complaints. Resolution of complaints shall not preclude the enrollees' rightful access to review by the grievance committee of a grievance.
- e) The HMO shall institute procedures that would require grievances to have a determination made by the grievance committee within 60 days from the date the grievance is received by the HMO. A grievance may not be heard or voted upon unless at least 50% of the voting individuals of the committee are enrollees. The determination by the grievance committee may be extended for a period not to exceed 30 days in the event of a delay in obtaining the documents or records necessary for the resolution of the grievance. All requests for documents or records necessary for the resolution of the grievance shall be maintained in the HMO's grievance file.
- f) The grievance procedure shall provide the enrollee with a written acknowledgment of the grievance within 10 business days after receipt by the HMO.
- g) The enrollee shall be notified at the time of the hearing of the name and affiliation of those grievance committee members who are representatives of the HMO.
- h) The HMO shall institute procedures whereby any documentation furnished to the members of the grievance committee shall also be made available to the enrollee not less than 5 business days prior to the hearing of the grievance. The HMO shall not present any evidence without the enrollee having been given the opportunity to be present.
- i) Notification in writing of the determination of the grievance committee shall be mailed to the enrollee within 5 business days after the determination. Notice of the determination made at the final appeal step of the HMO's grievance process shall include a Notice of Availability of the Department that the HMO shall send to its enrollees explaining that the Department is available to respond to their inquiries.
- j) Prior to the resolution of a grievance filed by a subscriber or enrollee, coverage shall not be terminated for any reason that is the subject of the written grievance, except when the HMO has, in good faith, made a reasonable effort to resolve the

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written grievance through its grievance procedure and coverage is being terminated as provided for in Section 5421.111 of this Part.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.50 Contracts, Administrative Arrangements and Material Modifications

a) Agreements or Contracts

- 1) All sample agreements or contracts, with variable language bracketed, under which any person is delegated management duties or control of the HMO or ~~that which~~ transfer a substantial part of any major function of the HMO, including, but not limited to, all reinsurance treaties, all agreements with providers and all administrative service contracts must be submitted to the ~~Department~~Division of Insurance and the HMO must file with the ~~Department~~Division any contract amendments, renewals, addendums thereto, or any change from those originally submitted and any material modification to the application submitted pursuant to Section 1-2 of the Act [215 ILCS 125/1-2] including, but not limited to, extension of service area.
- 2) The Illinois Department of Public Health shall also receive for review copies of all sample agreements with providers, as well as any amendments, addendums or any change from those agreements originally submitted.
- 3) On a quarterly basis, each HMO must submit a list identifying any MCO with which the HMO has a current contract. ~~The Such~~ list must contain the name, address and telephone number of the MCO, as well as the name of its Administrator, and must identify the bond or letter of credit issuer as required by subsection (d)(2), along with the expiration date and principal dollar amount for ~~thesueh~~ instrument. The quarterly report shall be due at the ~~Department~~Division within ~~10ten~~ days following the end of each quarter.
- 4) All types of written health care provider agreements must contain provisions ~~under which~~whereby the provider shall provide, arrange for, or participate in the quality assurance programs mandated by the Act [215 ILCS 125/2-8(b)], unless the Illinois Department of Public Health certifies

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that ~~those~~~~such~~ programs will be fully implemented without any participation or action from ~~the~~~~such~~ contracting provider.

- 5) All provider agreements shall provide for at least 60 days notice by the provider for termination with cause, as defined in ~~the~~~~such~~ provider agreement, and at least 90 days notice by the provider for termination without cause. The HMO must inform the ~~Department~~~~Division~~ immediately of any known or intended termination, with or without cause, of an MCO.
 - 6) Subscribers must receive notice from the HMO at least 60 days in advance of any termination ~~that~~~~which~~ would curtail or eliminate services to subscribers. However, in the event that the HMO receives notice of less than 60 days from any provider for termination of any contract ~~that~~~~which~~ would curtail or eliminate services to subscribers, the HMO must provide immediate notice to the subscribers. ~~The~~~~Such~~ Notice shall include instructions regarding referrals which have been issued and appointments which may be pending.
 - 7) The contractual agreement between the provider and the HMO must contain evidence that the provider has professional liability insurance and that such insurance coverage is effective as of the effective date of such contract. Furthermore, the contract must set forth that the Provider will give at least 15 days advance notice of cancellation of such insurance. In those instances in which the HMO will provide physician services directly through employed physicians and not through contractual arrangement with a provider, the HMO shall provide evidence to the ~~Department~~~~Division~~ that each individual physician has ~~such~~ professional liability insurance or that the HMO has ~~such~~ coverage on behalf of ~~the~~~~such~~ employed physicians.
- b) The Director must disapprove any provider agreement if, at any time, he ~~or she~~ finds:
- 1) that the charges to the HMO are based on factors unrelated to the value of providing services to the HMO; ~~or~~
 - 2) that the contract will significantly impact or threaten the financial viability of the HMO; ~~or~~

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- 3) that the provider agreement would transfer substantial control of the HMO or any powers vested in the board of directors, by statute, articles of incorporation or bylaws, or substantially all of the basic functions of the HMO management; ~~or~~
 - 4) that the provider agreement contains provisions contrary to the Illinois Insurance Code; ~~or~~
 - 5) that the provider is or has been affiliated directly or indirectly, through ownership, control, management, reinsurance transactions or other insurance, or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts or reinsurance; or
 - 6) that the provider agreement does not contain the provisions required by subsections (d) and (e) of this Section.
- c) If the Director disapproves of any provider agreement, notice of ~~that~~~~such~~ action shall be given to the HMO, ~~listing-assigning~~ the reasons ~~for the disapproval~~~~therefor~~ in writing. The Director shall grant any party to the provider agreement a hearing upon request according to Article XXIV [215 ILCS 5/Art. XXIV] of the Illinois Insurance Code.
 - d) This subsection shall apply to all HMO agreements with MCOs authorized to furnish health care services, ~~when~~~~where~~ the fees for furnishing, arranging or providing ~~the~~~~such~~ health care services are capitated.
 - 1) All ~~such~~-capitated MCO agreements shall contain a provision that states that the MCO will submit, to the HMO, copies of its quarterly financial statements, which shall include the MCO's balance sheet and statements of income and cash flow within 45 days after the end of each fiscal period. In addition, the HMOs shall require the MCO to submit within 90 days after the end of the MCO's fiscal year copies of its audited annual financial statements prepared in accordance with generally accepted accounting principles if available. The ~~Department~~~~Division~~, at its discretion, may require the HMO to submit for inspection by the ~~Department~~~~Division~~ ~~such~~ statements ~~as~~ the HMO has received from the MCO. ~~This~~~~Such~~ information shall be deemed confidential by the ~~Department~~~~Division~~.

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- 2) All ~~such~~-MCO capitated agreements shall contain provisions requiring the disclosure of language whereby the MCO agrees to fully cooperate with, and disclose all relevant information requested by, the HMO's actuaries for the preparation of their opinion in accordance with the Actuarial Standards Board Actuarial Standards of Practice No. 16.
- 3) All MCO capitated agreements shall contain provisions under ~~which~~~~whereby~~ the HMO acknowledges that, in the event of the MCO's insolvency, the HMO is secondarily liable as the ultimate risk bearer for unpaid health care services rendered to its enrollees.
- e) Beginning January 1, 2007, all capitated provider agreements between the HMO and its capitated providers shall contain the following hold-harmless clause. To the extent that any provider contract renewed or extended after December 31, 2007 fails to incorporate the hold-harmless clause, the clause shall be deemed incorporated into those contracts by operation of law as of the date of the renewal of execution.
- "The provider agrees that in no event, including but not limited to nonpayment by the HMO of amounts due the provider under this contract, insolvency of the HMO or any breach of this contract by the HMO, shall the provider or its assignees or subcontractors have a right to or seek any type of payment from, bill, charge, collect a deposit from, or have any recourse against, the enrollee, persons acting on the enrollee's behalf (other than the HMO), the employer or group contract holder for services provided pursuant to this contract; except for the payment of applicable co-payments or deductibles for services covered by the organization or fees for services not covered by the HMO. The requirements of this clause shall survive any termination of this contract for services rendered prior to such termination, regardless of the cause of such termination. The HMO's enrollees, the persons acting on the enrollee's behalf (other than the HMO), and the employer or group contract holder shall be third party beneficiaries of this clause. This clause supersedes any oral or written agreement now existing or hereafter entered into between the provider and the enrollee, persons acting on the enrollee's behalf (other than the HMO) and the employer or group contract holder."
- f) The procedure to be followed by HMOs for extension of operations into

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additional counties in Illinois shall be as follows:

- 1) Upon receipt of certification by the Illinois Department of Public Health, the HMO shall submit a letter to the Director amending its service area. This letter will indicate that all subscription certificates, rates, provider agreements, and any other applicable documents to be used to service the extended area are those previously filed or, if not, new or revised documents will be submitted to the [DepartmentDivision](#) for review.
- 2) Each such notification for extension of operations shall be accompanied by a list of the counties in which the HMO is authorized to operate prior to any requested extension of service area.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.60 Rates

- a) The HMO shall file all schedules of base rates to be used in conjunction with enrollee certificates. The schedules shall be filed with the Director prior to the effective date and will be maintained as a public document by the [DepartmentDivision](#).
- b) When the schedules of base rates are filed, percentage change from the previous filing for the schedules of base rates shall be included.
- c) Upon the request of the Director, the HMO shall submit actuarial documentation for any submitted rates, which shall be stamped "confidential" by the HMO. Documentation shall include, but not be limited to, the major cost components, experience, assumptions, and procedures used to develop the submitted rates. The actuarial documentation shall be deemed confidential and proprietary by the [DepartmentDivision](#) unless specific authorization is given by the HMO.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.100 Solicitation

- a) No HMO, or representative of the HMO, may cause or knowingly permit the use of advertising, solicitation, or any form of evidence of coverage that is untrue, misleading or deceptive.

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- 1) All information required to be disclosed pursuant to this Part shall set out conspicuously and in close conjunction with the statements to which the information relates under appropriate captions of the prominence that it shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the context of the solicitation as to be confusing or misleading.
 - 2) The format and context of a solicitation of any HMO's plan or program shall be sufficiently complete and clear to avoid deception or the capacity or tendency to mislead or deceive. Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Director from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.
 - 3) Solicitations shall be truthful and not misleading in fact or implication. Words or phrases, the meaning of which is clear only by employment or by familiarity with insurance, medical terminology or health care plans, shall not be used unless thosesueh words or phrases are otherwise explained in the solicitation.
 - 4) No solicitation shall omit information or use words, phrases, statements, references, or illustrations if an omission of the information or use of the words, phrases, statements, references or illustrations has the capacity, tendency or effect of misleading or deceiving prospective enrollees as to the nature or extent of any benefit payable, loss covered, premium payable or health care service provided.
- b) A detailed description of all training and educational programs provided to solicitors of the health care plan or to any person providing marketing activities shall be submitted to the Director upon application for a Certificate of Authority and any substantive changes in the programs shall be submitted to the Director 15 days prior to the intended effective date of the change.
 - c) All brochures, media scripts, and any other marketing or advertising materials an HMO applying for Certificate of Authority plans to use must be filed with the DepartmentDivision. The material must be filed before use and, in the event that the material can obviously not be filed, such as audiovisual presentations, a

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description of the solicitation activity must be filed.

- d) An advertisement or solicitation shall not directly or indirectly make unfair or incomplete comparisons of policies, plans, or benefits or comparisons of non-comparable plans or policies of other HMOs or insurers, and shall not disparage competitors, their policies or plans, services or business methods and shall not disparage or unfairly minimize a competing method of marketing insurance or health care services.
- e) No advertisement or marketing material of an HMO shall imply that certification by the [Department](#)~~Division~~ is an endorsement of the HMO.
- f) An HMO shall provide its enrollees, no later than at the time of enrollment, or the time the individual contract or evidence of coverage is issued, lists of the names and locations of primary care physicians participating in the network applicable to the enrollee's benefit plan. The lists shall disclose those providers who are not open for selection by the subscriber, as known to the HMO at the time the list is created. The list shall also contain the following sentence in a prominent location:

NOTICE TO ENROLLEES: While every provider listed in this document contracts with (the HMO) to provide primary care services, not every provider listed will be accepting new patients. Although (the HMO) has identified those providers who were not accepting patients as known to (the HMO) at the time this (directory) was created, the status of any physician's practice may have changed. For the most current information regarding the status of any physician's practice, please contact either the selected physician or (member services) at (phone number).
- g) Failure to comply with the requirements of this Section shall subject the HMO or its representative to corrective action the Director may order pursuant to Section 4-7 of the Act.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.110 Requirements for Group Contracts, Evidences of Coverage and Individual Contracts

- a) Any group contract, evidence of coverage, individual contract, enrollee handbook, enrollment application, identification card or other form that affects the terms and

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conditions applicable to the subscriber or enrollee in the provision of health care services must be filed with and approved by the Director prior to use in accordance with the requirements of Section 5421.112 of this Part and Section 4-13 of the Act. The HMO shall issue to each subscriber or enrollee a group contract, evidence of coverage, or individual contract. Any conflicting information between the valid current document referenced above issued to the subscriber or enrollee and the current group contract shall be interpreted according to whichever is most beneficial to the subscriber or enrollee. Any group contract, evidence of coverage, or individual contract shall provide for the rendering of health care services as defined in that document for either a specific period of not less than 12 months from the date of issuance or for another period mutually agreed to by the HMO and the group or individual contractholder; and shall provide for renewal on a basis mutually agreed to by both parties, unless the HMO has given 31 days written notice of nonrenewal prior to the renewal date of the contract.

- b) A detailed statement of any exceptions, exclusions or limitations shall be set forth in the group contract, evidence of coverage, and individual contract for any type of health care service to be excepted. Exception, exclusions or limitations shall appear with the same prominence in the group contract, evidence of coverage and individual contract as any benefit.
- c) The group contract, evidence of coverage, and individual contract shall set forth a detailed statement of the terms and conditions of maternity benefits and any related exceptions, exclusions, limitations, copayments and deductibles. Exceptions, exclusions, limitations, copayments and deductibles applicable to prenatal and post-natal care shall be covered no differently than any other covered health care services provided pursuant to the contract, with the exception of a limitation for coverage of routine prenatal care or delivery when the enrollee is outside the service area against medical advice, except when the enrollee is outside of the service area due to circumstances beyond her control, may be included in the group contract and evidence of coverage.
- d) Entire Contract. The group contract, evidence of coverage and individual contract shall contain a statement that the group contract evidence of coverage and individual contract, all applications, and any amendments shall constitute the entire agreement between the parties. No portion of the charter, by-laws or other document of the HMO shall be part of a contract or evidence of coverage unless set forth in full in the document or attached to it.

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- e) Eligibility Requirements. The group contract, evidence of coverage and individual contract shall contain eligibility requirements indicating the conditions that must be met to enroll in a health care plan, the limiting age for enrollees and eligible dependents including the effects of Medicare eligibility, and a clear statement regarding coverage of newborn children as set forth in Sections 4-8 and 4-9 of the Act.
- f) Benefits and Services Within the Service Area. The group contract, evidence of coverage and individual contract shall contain a specific description of benefits and services available within the HMO's designated service area.
- g) Emergency Care Services. The group contract, evidence of coverage and individual contract shall contain a specific description of benefits and services available for emergencies 24-hours a day, 7 days a week, including disclosure of any restrictions on emergency care services. No group contract, evidence of coverage or individual contract shall limit the coverage of emergency services within the service area to those providers having a contract with the HMO.
- h) Out of Area Benefits and Services. The group contract, evidence of coverage and individual contract shall contain a specific description of benefits and services available out of the HMO's designated service area.
- i) Deductibles and Copayments:
- 1) An HMO may require deductibles and copayments of enrollees as a condition for the receipt of specific health care services, including basic health care services. Deductibles and copayments shall be the only allowable charge, other than premiums, assessed enrollees. Nothing within this subsection (i) shall preclude the provider from charging reasonable administrative fees, such as service fees for checks returned for non-sufficient funds and missed appointments.
 - 2) Copayments and deductibles appearing in the policy shall be for specific dollar amounts or for specific percentages of the cost of the health care services.
 - 3) No combination of deductibles and copayments for the receipt of basic health care services may exceed the annual maximum out-of-pocket

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~~expenses of a high deductible health plan as defined in 26 USC 223.50% of the usual and customary fee of the service to the HMO and must be waived when, in a contract year, deductibles and copayments paid for the receipt of basic health care services exceed \$3000 per enrollee or \$6000 per family.~~

~~4) Deductibles and copayments applicable to supplemental health care services, catastrophic-only plans as defined under the federal Affordable Care Act, or pre-existing conditions are not subject to the annual limitations described in this Section. ~~this annual limitation. Nothing within this subsection shall preclude the provider from charging reasonable administrative fees such as service fees for checks returned for non-sufficient funds and missed appointments.~~~~

~~5) This subsection (i) applies to enrollees and does not limit the health care plan payment for services provided by non-participating providers.~~

- j) Pre-existing Conditions. An HMO may impose deductible and copayment pre-existing condition limitations as a condition to receiving health care services. A pre-existing condition shall not be defined more restrictively than a condition for which medical advice or treatment was recommended by a physician or received from a physician within a one year period preceding the effective date of coverage under the health care plan or the existence of symptoms that, in the opinion of a legally qualified physician, would have caused an ordinarily prudent person to seek diagnosis, care or treatment within a one year period preceding the effective date of coverage under the health care plan. The condition may only be limited for a period not to exceed one year from the effective date of coverage.
- k) Cancellation. The group contract, evidence of coverage, and individual contract shall contain the conditions upon which cancellation may be effected by the HMO or the enrollee as set forth in Section 5421.111 ~~of this Part~~.
- l) Reinstatement. The group contract, evidence of coverage, and individual contract shall contain the conditions of the enrollee's right to reinstatement.
- m) Grace Period. A group contract or individual contract shall provide for a grace period for the payment of any premium, except the first, during which coverage shall remain in effect if payment is made during the grace period. The grace period for a group contract shall not be less than 10 days. The grace period for an

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individual contract shall not be less than 31 days. During the grace period, the HMO shall remain liable for providing the services and benefits contracted for; the subscriber shall remain liable for the payment of the premium for the time coverage was in effect during the grace period and the enrollee shall remain liable for the payment of any applicable share of the premium, for the time coverage was in effect, as well as for any copayments owed.

- n) No group contract, or evidence of coverage, or individual contract may be delivered in this State unless the subscriber and/or enrollee is provided written notice required by Section 143c of the Illinois Insurance Code [215 ILCS 5/143c].
- o) Right to Examine Contract. An individual contract, with the exception of an HMO Medicare contract entered into between the Health Care Financing Administration and the HMO under Title XVIII of the Social Security Act, as amended from time to time, shall contain a provision stating that an enrollee who has entered into an agreement with an HMO shall be permitted to return the individual contract within ten days after receiving it and to receive a refund of the premium paid if the enrollee is not satisfied with the contract for any reason. If the individual contract is returned to the HMO or to its representative through whom it was purchased, it is considered void from the beginning. However, if services are rendered or claims are paid for such enrollee or dependent by the HMO during the 10 ~~ten~~-day examination period, the enrollee shall not be permitted to return the contract and receive a refund of the premium paid.
- p) An HMO Medicare contract entered into between the Health Care Financing Administration and the HMO under Title XVIII of the Social Security Act, as amended from time to time, shall be delivered to the enrollee at least 15 days prior to the effective date of the contract. The enrollee shall be permitted to return the HMO Medicare contract prior to the effective date and to receive a refund of the premium paid if the enrollee is not satisfied with the contract for any reason, provided the enrollee complies with the disenrollment procedures of Title XVIII of the Social Security Act, as amended from time to time.
- q) Every HMO will provide to every enrollee of the HMO information that generally describes the philosophy, functions and organization of the HMO and related institutions, and specific information that describes the appropriate use of the HMO's services, including a general description of benefits and limitations. The HMO shall include in its enrollee information a description of the HMO's grievance procedure, directions for filing a grievance, and a Notice of Availability

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of the Department.

- r) Every HMO shall provide enrollees with an identification card that must prominently display the following information:
- 1) the words "Health Maintenance Organization" or "HMO";
 - 2) disclaimer language concerning an enrollee's unauthorized use of providers not selected by the HMO;
 - 3) a current telephone number for the enrollees to use when health care services are required outside of normal office hours; and
 - 4) the name of all enrollees entitled to coverage, along with all other mandated information, if the HMO does not issue a card to each enrollee who is entitled to coverage. In ~~thesesueh~~ situations, at least two cards must be issued to the primary enrollee upon enrollment and the HMO must issue additional cards to all enrollees at the request of the enrollee for no additional charge. Notification of the right to order additional cards for no additional charge must be included with information required to be disseminated to enrollees under subsection (q).
- s) Enrollment Application. No individual contract shall be issued except upon the signed enrollment application of the enrollee for whom coverage is being sought. Any information or statement of the applicant shall appear on the application in the form of interrogatories by the HMO and answers by the applicant. The enrollee shall not be bound by any statement made within an application for health care coverage unless a copy of the application is attached to the individual contract. Group enrollment applications must be maintained on file by the HMO; otherwise, disputes arising from statements made within the applications will be resolved in the enrollee's favor. Except for those instances involving fraud or material misrepresentation, an HMO's failure to investigate incomplete or conflicting answers on an enrollment application shall estop the HMO from subsequently denying coverage on the basis of those responses.
- t) Coordination of Benefits-
- 1) HMOs are permitted, but not required, to adopt coordination of benefits provisions to avoid over insurance and to provide for the orderly payment

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of claims when a person is covered by two or more group health insurance or health care plans.

- 2) If an HMO adopts coordination of benefits, the provision must be consistent with the coordination of benefits requirements set forth in 50 Ill. Adm. Code 2009.
- 3) To the extent necessary for an HMO to meet its obligations as a secondary carrier under 50 Ill. Adm. Code 2009, and where an enrollee has established a credit within the reserve bank, the HMO shall make payments for services that are:
 - A) received from non-participating providers;
 - B) provided outside its services areas; or
 - C) not covered under the terms of health care plan.
- u) Dependents-termination of coverage-disability and dependency, proof-application. Every group contract, evidence of coverage, or individual contract that provides that coverage of a dependent person of an enrollee shall terminate upon attainment of the limiting age for dependent persons shall comply with the requirements of Section 4-9.1 of the Act.
- v) Conversion of Coverage-
 - 1) The group contract and evidence of coverage shall contain a conversion provision that provides that each enrollee has the right to convert coverage to an individual or group HMO contract in the following circumstances:
 - A) upon cancellation of eligibility for coverage under a group contract;⁵
 - B) upon cancellation of the group contract;⁵ or
 - C) upon non-renewal of the group contract.
 - 2) The conversion contract shall cover the enrollee and his/her eligible dependents who were covered by the group contract on the date of

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cancellation or non-renewal of coverage. To obtain the conversion contract, an enrollee shall submit a written application and the application premium payment within 31 days after the date the enrollee's coverage is cancelled.

- 3) The HMO may require copayments and deductibles under a conversion contract that differ from the group contract.
- 4) A conversion contract shall not be required to be made available if:
 - A) The cancellation of the enrollee's coverage occurred for any of the reasons listed in Section 5421.111(a) ~~of this Part~~;
 - B) The enrollee is covered by or is eligible for benefits under Title XVIII of the United States Social Security Act;
 - C) The enrollee is covered by similar hospital, medical, or surgical benefits under State or federal law;
 - D) The enrollee is covered by similar hospital, medical, or surgical benefits under any arrangement of coverage for individuals in a group whether on an insured or uninsured basis;
 - E) The enrollee is covered for similar benefits through individual coverage;
 - F) The enrollee has not been continuously covered during the three-month period immediately preceding cancellation of that person's coverage;
 - G) The enrollee has moved outside of the service area of the health maintenance organization;
 - H) The cancellation of the enrollee's coverage occurred in relation to the HMO being placed in rehabilitation or liquidation proceedings pursuant to Section 5-6 of the Act; or
 - I) The group contract has been discontinued in its entirety and there is a succeeding carrier providing coverage to the group in its

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entirety.

- 5) Benefits or coverage shall be considered "similar" if coverage is provided for at least 12 months under comprehensive type medical coverage.
- 6) Notwithstanding subsection (v)(4)(C), (D), (E), or (I), if the enrollee or any of his or her covered dependents has a pre-existing condition, and the enrollee is covered by similar hospital, medical or surgical benefits under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis, and the coverage does not cover pre-existing conditions, then the enrollee may continue conversion coverage for the individual with the pre-existing condition until the enrollee's or dependent's pre-existing condition is covered under the succeeding plan.
- 7) The conversion contract shall provide as a minimum to its enrollees basic health care services.
- 8) The conversion contract shall begin coverage of the enrollee and any dependents formerly covered under the group contract on the date of termination from the group or the former individual contract.
- 9) Coverage shall be provided without requiring evidence of insurability and shall not impose any pre-existing condition limitations or exclusions other than those remaining unexpired under the contract from which conversion is exercised.
- 10) Prior to the issuance of a conversion contract, the enrollee must be notified in writing that the election of any conversion contract will terminate the individual's federal eligibility for coverage under the Illinois Comprehensive Health Insurance Plan.
- w) Discrimination between individuals of the same class in the terms and conditions of the health care plan, or in the amount charged for coverage under a health care plan except ~~when~~where the rate differential is based on sound actuarial principles, or in any other manner whatsoever is prohibited.
- x) ~~Grievance Procedure-~~
The group contract, evidence of coverage, and individual contract shall set forth a full description of the HMO grievance procedure required by Section 5421.40-~~of~~

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~~this Part.~~

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.112 Form Filing Requirements

Group contracts, evidences of coverage, individual contracts, enrollment applications or other forms that affect the terms and conditions applicable to the enrollee in the provision of health care services must be filed with the [DepartmentDivision](#) pursuant to 50 Ill. Adm. Code 916. If the form is a revised version of a previously approved form, the HMO must provide the number of the previously approved form and the date it was approved by the [DepartmentDivision](#), and highlight all changes from the previously approved form. Any changes not highlighted will not be deemed to be approved.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.113 Point of Service Plan Requirements

- a) The filing as described in this subsection shall be comprised of an HMO filing and an indemnity filing. The filing shall be coordinated by the HMO. The filing must contain reasonable financial incentives for point of service members to utilize HMO services provided or arranged by the designated HMO primary care physician and shall include:
 - 1) Copies of all policy forms necessary to implement the point of service product, including the member handbook used to integrate the services provided by the HMO and the benefits provided by the indemnity carrier.
 - 2) Enrollment application and member identification card disclosing the names of both the HMO and indemnity carrier.
 - 3) Solicitation material.
 - 4) Copies of all contracts required by Section 5421.50 ~~of this Part~~ between the HMO and affiliated indemnity carrier detailing their respective responsibilities and obligations in offering a point of service product.
 - 5) The HMO shall include in its rate filing the rate level justification and a demonstration of how the out-of-network indemnity benefits to be

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provided by the affiliated indemnity carrier will impact on the HMO's rates and underlying utilization assumptions. The documentation shall be deemed confidential by the ~~Department~~[Division](#) unless specific authorization is given by the HMO.

- 6) Written descriptions and illustrative flow charts of how the premium is received and distributed in a timely fashion and how claims will be handled for payment.
- 7) A comparison of benefits offered by the HMO carrier and the indemnity carrier.
- b) Out-of-network claims shall be filed with the HMO. The HMO is responsible for coordinating payment of all claims.
- c) Covered services rendered by a participating physician without proper authorization shall be covered at the out-of-network benefit level.
- d) For purposes of coordination of benefits, the two policies comprising the point of service product shall be considered to be one policy.
- e) For purposes of conversion and State continuation, the HMO shall provide each enrollee who has a POS plan the right to convert to either an HMO option or indemnity option. The HMO may, but is not required to, offer the enrollee the right to continue under a POS option. Once the enrollee has chosen an option, the other plan's options will no longer be available. Should the enrollee choose to continue or convert coverage under a point of service plan, then the plan shall meet applicable standards for Illinois conversion or continuation requirements. In the event of any inconsistency between these standards, then the most favorable to the enrollee shall apply.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

Section 5421.141 Producer Licensing Requirements

- a) HMO producer means an individual who solicits, negotiates, effects, procures, renews or continues enrollment in an HMO. The term HMO "producer" shall not include:

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- 1) any regular salaried officer or employee of an HMO or of a licensed HMO producer who devotes substantially all of his or her time to activities other than the solicitation of applications for HMO membership and receives no commission or other compensation directly dependent upon the business obtained and who does not solicit or accept from the public applications for membership;
 - 2) employers or their officers or employees or the trustees of any employee benefit plan to the extent that such employers, officers, employees, or trustees are engaged in the administration or operation of any program of employee benefits involving the use of membership in an HMO; provided that the employers, officers, employees, or trustees are not in any manner compensated directly or indirectly by the HMO issuing the HMO membership;
 - 3) banks or their officers and employees, to the extent that the banks, officers, and employees collect and remit charges by charging same against accounts of depositors on the orders of depositors.
- b) No persons may act as or hold themselves out to be an HMO producer unless duly licensed in accordance with the requirements of this Part.
- c) An individual applying for an HMO producer's license shall make application on a form specified by the [Department Division](#) and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application, the Director shall find that the individual:
- 1) Is at least 18 years of age;⁵
 - 2) Has not committed any act that is grounds for denial, suspension or revocation pursuant to Section 505.1 of the Illinois Insurance Code [215 ILCS 5/505.1];⁵
 - 3) Has successfully passed the Class 1(b) examination as required by Section 494.1 of the Illinois Insurance Code [215 ILCS 5/494.1].
- d) The provisions of Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and the rules promulgated under that statute (50 Ill. Adm. Code: Chapter

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I, Subchapter ii) shall be applicable to all HMO producers.

(Source: Amended at 37 Ill. Reg. 14032, effective August 26, 2013)

ILLINOIS LABOR RELATIONS BOARD

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- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.3 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of Rulemaking: August 23, 2013
- 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 rulemaking, including any material incorporated by reference, is on file in the Illinois Labor Relation Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 37 Ill. Reg. 5762; May 3, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Illinois Labor Relations Board has accepted nonsubstantive changes requested by JCAR at Section 1200.3.
- 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 an emergency rulemaking currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1200.5	Amendment	37 Ill. Reg. 13757, August 23, 2013.
1200.170	New	37 Ill. Reg. 13757, August 23, 2013.

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- 15) Summary and Purpose of Rulemaking: New Section 6.1 of the Illinois Labor Relations Act [5 ILCS 315] authorizes the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining as described in Section 6.1 within 365 days of the effective date of the amendment to the Act. Upon such designation of a State employment position by the Governor, Section 6.1 requires the Board to review and take action on such designation within 60 days after the date the designation was filed with the Board. The agency has proposed rulemaking to implement this amendment to the Act. The amendment to Section 1200.3 of this Part serves to exclude procedures implementing Section 6.1 of the Act from the general procedures of the Board.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Jerald S. Post
General Counsel
Illinois Labor Relations Board
160 N. LaSalle Street, Suite S-400
Chicago, Illinois 60601

312/793-6400
Jerald.Post@Illinois.Gov

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.3	General Statement of Purpose
1200.5	Board Information and Business Hours
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings
1200.60	Closing Arguments and Briefs Before Anan Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Amicus Curiae Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variations and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg.

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15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7540, effective May 12, 2004, for a maximum of 150 days; emergency expired October 8, 2004; amended at 28 Ill. Reg. 15154, effective November 1, 2004; emergency amendment at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days. ; amended at 37 Ill. Reg. 14064, effective August 23, 2013.

Section 1200.3 General Statement of Purpose

The regulations contained in this Part detail the procedures that employers, employees and labor organizations should use when filing petitions and charges pursuant to Parts 1210, 1220 and 1230, which implement the provisions of the Illinois Public Labor Relations Act [5 ILCS 315]. This Part shall not apply to cases filed pursuant to Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. This Part does not apply to cases filed pursuant to Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315/6.1] except when specifically referenced in 80 Ill. Adm. Code 1300.

(Source: Amended at 37 Ill. Reg. 14064, effective August 23, 2013)

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- 1) Heading of the Part: Gubernatorial Designation of Positions Excluded from Collective Bargaining
- 2) Code Citation: 80 Ill. Adm. Code 1300
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1300.10	New Section
1300.20	New Section
1300.30	New Section
1300.40	New Section
1300.50	New Section
1300.60	New Section
1300.70	New Section
1300.80	New Section
1300.90	New Section
1300.100	New Section
1300.110	New Section
1300.120	New Section
1300.130	New Section
1300.140	New Section
1300.150	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of Rules: August 23, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Illinois Labor Relation Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 37 Ill. Reg. 7208; May 31, 2013.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: The Illinois Labor Relations Board has accepted technical changes requested by JCAR at Section 1300.90, Section 1300.110, and Section 1300.150.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these rules replace any emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: New Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315] authorizes the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining as described in Section 6.1 until 4/5/14. Upon such designation of a State employment position by the Governor, Section 6.1 requires the Board to review and take action on such designation within 60 days of the date the designation was filed with the Board.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jerald S. Post
General Counsel
Illinois Labor Relations Board
160 N. LaSalle Street, Suite S-400
Chicago, Illinois 60601

312/793-6400
Jerald.Post@Illinois.Gov

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF ADOPTED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1300
GUBERNATORIAL DESIGNATION OF POSITIONS EXCLUDED
FROM COLLECTIVE BARGAINING

Section

1300.10	General Statement of Purpose
1300.20	Board Information and Business Hours
1300.30	Definitions
1300.40	Board's Jurisdiction
1300.50	Filing a Designation
1300.60	Processing and Investigation
1300.70	Hearing
1300.80	Authority of Administrative Law Judges
1300.90	Computation and Extensions of Time; Service
1300.100	Motions
1300.110	Subpoenas
1300.120	Representation of Parties
1300.130	Appeals Procedures, Board Review and Court Review
1300.140	Ex Parte Communications
1300.150	Variances and Suspensions of Rules

AUTHORITY: Implementing Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315/6.1] and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 5901, effective April 22, 2013, for a maximum of 150 days; adopted at 37 Ill. Reg. 14068, effective August 23, 2013.

Section 1300.10 General Statement of Purpose

- a) This Part establishes:
 - 1) the procedures that the Board will use in determining whether designations made by the Governor of the State of Illinois or the Governor's agent under Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315],

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excluding State employment positions from the self-organization and collective bargaining provisions of Section 6 of the Act, are lawful;

- 2) the procedures that the Governor of the State of Illinois or the Governor's agent shall use for designating State employment positions as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, as described in Section 6.1 of the Act;
 - 3) the procedures that employees and labor organizations shall use for conducting proceedings before the Board regarding gubernatorial designation of State employment positions as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, as described in Section 6.1 of the Act; and
 - 4) time limits and deadlines due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act for resolution of gubernatorial designations.
- b) This Part shall not apply to any other charges or petitions filed with the Illinois Labor Relations Board pursuant to the Act.
 - c) The provisions of 80 Ill. Adm. Code 1200, 1210, 1220, 1230 and 1240 only apply to this Part when specifically invoked by reference.

Section 1300.20 Board Information and Business Hours

- a) The Springfield office of the Board is located at:

One Natural Resources Way
First Floor
Springfield, Illinois 62702
telephone: 217-785-3155
facsimile: 217-785-4146

- b) The Chicago office of the Board is located at:

160 North LaSalle Street
Suite S-400
Chicago, Illinois 60601

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telephone: 312-793-6400

facsimile: 312-793-6989

- c) The Board's website address is www.state.il.us/ilrb. For electronic filing purposes for this Part only, the electronic mail (e-mail) address for the Board is ILRB.Filing@illinois.gov.
- d) The official business hours of the Board are 8:30 a.m. to 5:00 p.m., Monday through Friday.

Section 1300.30 Definitions

This Part relies on the definitions contained in the Act, as well as other definitions set forth in this Section.

"Act" means the Illinois Public Labor Relations Act [5 ILCS 315].

"Administrative Law Judge" or "ALJ" means either the agency head or an attorney licensed to practice in Illinois.

"Administrative Law Judge's recommended decision and order" means findings of fact and conclusions of law and reasons for those findings and conclusions. It is not a final decision of the Board. A recommended decision and order will be reviewed by the Board upon the filing of exceptions or on the Board's own motion.

"Board" means the Illinois Labor Relations Board or State or Local Panel, individually as applicable, or an agent designated by the Board.

"Board Agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in the relevant Sections of this Part.

"Serve", unless otherwise limited by a specific rule, means to serve by U.S. Mail, by hand delivery or by e-mail at the served person's e-mail address. When service is made by e-mail, service shall be to the e-mail address indicated on the designation form.

Section 1300.40 Board's Jurisdiction

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The Board shall undertake the process of determining whether a gubernatorial designation of a State employment position as excluded from self-organization and collective bargaining comports with Section 6.1 of the Act upon filing of a designation with the Board. All proceedings conducted under this Part are subject to the jurisdiction of the Board's State Panel pursuant to Section 5(a-5) of the Act.

Section 1300.50 Filing a Designation

- a) When, pursuant to Section 6.1 of the Act, the Governor chooses to designate a position as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, the Governor or the Governor's agent must file a designation with the Board by e-mail by sending the designation to ILRB.Filing@illinois.gov. The Governor or the Governor's agent must also submit a hard copy of the designation to the Board at its Springfield office by U.S. Mail postmarked on the date that the designation was filed by e-mail or by hand delivery on the date that the designation was filed by e-mail. A designation shall be made on a form provided by the Board for this purpose and must provide the information required by Section 6.1(b) of the Act: the job title and job duties of the employment position; the name of the State employee currently in the employment position, if any; the name of the State agency employing the public employee; and the category under which the position qualifies for designation under Section 6.1(b) of the Act.
- 1) As provided in Section 6.1(a), the Governor may *designate up to 3,580 State employment positions collectively within State agencies directly responsible to the Governor, and, upon designation, those positions and employees in those positions, if any, are hereby excluded from the self-organization and collective bargaining provisions of Section 6 of the Act. Only those employment positions that have been certified in a bargaining unit on or after December 2, 2008 that have a pending petition for certification in a bargaining unit on April 5, 2013, or that neither have been certified in a bargaining unit on or after December 2, 2008 nor have a pending petition for certification in a bargaining unit on April 5, 2013 are eligible to be designated by the Governor under this Section. The Governor may not designate under this Section, however, more than 1,900 employment positions that have been certified in a bargaining unit on or after December 2, 2008.* [5 ILCS 315/6.1(a)]

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- 2) To qualify for designation under Section 6.1, the employment position must meet the requirements of at least one of the following categories:
- A) the position *must authorize an employee in that position to act as a legislative liaison* [5 ILCS 315/6.1(b)(1)];
 - B) the position *must have a title of, or authorize a person who holds that position to exercise substantially similar duties as an, Agency General Counsel, Agency Chief of Staff, Agency Executive Director, Agency Deputy Director, Agency Chief Fiscal Officer, Agency Human Resources Director, Senior Public Service Administrator, Public Information Officer, or Chief Information Officer* [5 ILCS 315/6.1(b)(2)];
 - C) the position *must be a Rutan-exempt, as designated by the employer, position and completely exempt from jurisdiction B of the Personnel Code* [20 ILCS 415/8(b)] [5 ILCS 315/6.1(b)(3)];
 - D) the position *must be a term appointed position pursuant to Section 8b.18 or 8b.19 of the Personnel Code* [5 ILCS 315/6.1(b)(4)]; or
 - E) the position *must authorize an employee in that position to have significant and independent discretionary authority as an employee* [5 ILCS 315/6.1(b)(5)]. A person has significant and independent discretionary authority as an employee if he or she:
 - i) *is engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or*
 - ii) *qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act (29 USC 152) or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.* [5 ILCS 315/6.1(c)]

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- b) Failure to fully complete the form could result in rejection of the filing of the designation by the Board.
- c) In cases in which a designation is made for a position having an incumbent employee who is not currently represented by a collective bargaining representative and is not the subject of a pending petition for representation, the Board shall serve the designation on each unrepresented incumbent employee whose position has been designated. In cases in which a designation is made for a position that is represented by a collective bargaining representative or, in cases in which a collective bargaining representative has a petition for certification that includes the designated position pending before the Board at the time of the filing of the designation, the Board will serve the designation on the appropriate collective bargaining representative and on each incumbent employee whose position has been designated.

Section 1300.60 Processing and Investigation

- a) Initial Processing
 - 1) Upon filing of the designation with the Board, the Board or its agent will verify that the designation includes all information required by Section 6.1(b) of the Act, as provided in Section 1300.50, and will verify that the designated position was not certified in a bargaining unit before December 2, 2008.
 - 2) After verification, the Board will provide a notice to the Governor or the Governor's agent to be posted at the workplace of the position that has been designated. Each affected employee's employing agency shall post the notice within 2 days after receipt of the notice by the Governor or the Governor's agent. The notice shall remain posted for 10 consecutive days. The employing agency or its agent shall certify, on a form provided by the Board, that the posting has been completed and shall return this form to the Board.
 - 3) In cases in which a position is represented or subject to a pending petition for representation, the collective bargaining representative or incumbent employee shall have 10 days from the date of service of the designation to object to the designation. In cases in which the position is not represented

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or subject to a pending petition for representation, the incumbent employee shall have 10 days from the date of service of the designation to object to the designation. Objections must be made in writing and received in the Board's Springfield or Chicago office within the 10-day period. An objecting party may submit objections via U.S. Mail, hand delivery or e-mail to the Board at ILRB.Filing@illinois.gov. If an objecting party chooses to submit objections via e-mail, the party must also submit those objections in hard copy via U.S. Mail postmarked on the date that the objections were submitted via e-mail or by hand delivery to the Board's Springfield or Chicago office within the 10-day period. If an objecting party chooses to submit objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format (.doc or .docx) or in Portable Document Format (PDF) (.pdf). Objections shall set forth the party's position with respect to the matters asserted in the designation regarding the job duties and functions of the position that is the subject of a designation, shall specifically state the basis for the objection, and shall include supporting documentation. The objections shall be simultaneously served on other parties as follows:

- A) In cases in which an employee subject to the designation is not represented by a collective bargaining representative, an employee filing an objection under this Section shall serve a copy of the objection and copies of any supporting documentation upon the employer. If an objecting party chooses to serve objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format or PDF.
- B) In cases in which an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing an objection under this Section shall serve the objection and any supporting documentation upon the employer at its address indicated on the designation form and upon the collective bargaining representative at its address indicated on the designation form. A collective bargaining representative filing an objection under this Section shall serve the objection and any supporting documentation upon the employer at its address as indicated on the designation form and upon each employee whose

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position is the subject of the objection at his or her work address. In all cases, if an objecting party chooses to serve objections by e-mail, the party shall attach the objections to the e-mail in Microsoft Word format or PDF.

- b) The Board may consolidate two or more gubernatorial designations or may sever gubernatorial designations that are filed together if the Board determines that the consolidation or severance would result in the efficient and expeditious resolution of designations.
- c) If no objection to a designation is filed within the time allowed and the designation appears otherwise proper, the designation shall be forwarded to the Executive Director for certification as a designated excluded position.
- d) Assignment to Administrative Law Judge
 - 1) If objections to a designation are filed within the time allowed, the designation and objections shall be assigned to an ALJ.
 - 2) The assigned ALJ will review the designation, any objections, and the documentation in support of such objections.
 - A) The ALJ may make a factual finding that the designation is proper based solely on the information submitted to the Board in cases in which the objections submitted fail to overcome the presumption that the designation is proper under Section 6.1 of the Act. In those cases, the ALJ will issue a recommended decision and order to the Board that such designation be certified.
 - B) If the ALJ finds that the objections submitted raise an issue of law or fact that might overcome the presumption that the designation is proper under Section 6.1 of the Act, the ALJ will order a hearing to be held to determine whether the designation is proper. After the hearing, the ALJ shall issue a recommended decision and order to the Board regarding the designation.

Section 1300.70 Hearing

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- a) Considering the nature of the designation and the representatives of the parties, the ALJ will, insofar as practicable, apply the rules of evidence applicable in Illinois courts. The ALJ may, upon proper objection, exclude evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in the form of testimony, exhibits, stipulations or affidavits.
- b) Any hearing conducted in accordance with this Part shall be recorded by stenographic or other means that adequately preserves the record. The ALJ or the Board may order that the recording be transcribed. Parties may order transcripts and shall bear the costs of any transcripts they order.
- c) Upon request, a party is entitled to a reasonable period at the close of the hearing for oral argument, which shall be made part of the record. Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the ALJ shall direct the filing of briefs only in extraordinary circumstances, when the filing is, in the opinion of the ALJ, warranted by the nature of the proceedings or the particular issues involved. All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All pages in excess of the 50 page limit will be rejected. The Board's General Counsel may grant approval of exceptions and briefs containing more than 50 pages only in extraordinary circumstances.
- d) Except in extraordinary circumstances, hearings regarding designations shall be held within 14 days after receipt of objections by the Board and shall be limited in duration to one day of hearing.
- e) Designation hearings shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the ALJ. In designation hearings, the objecting party shall present its evidence first.
- f) If the objecting party fails to appear after proper service of Notice of Hearing, the ALJ may recommend that the designation be certified by the Board. If any party other than the objecting party fails to appear, the ALJ may proceed in its absence and issue a recommended decision and order.
- g) Pursuant to 80 Ill. Adm. Code 1200.40, the ALJ may schedule a pre-hearing conference when it appears to the ALJ that doing so would expedite the procedure.

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- h) Intermediate rulings of the ALJ shall not be subject to interlocutory appeal. Parties may raise objections to intermediate rulings in their exceptions to the ALJ's recommended decision.
- i) The ALJ shall file and serve on the parties a recommended decision and order as expeditiously as possible. Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the ALJ may issue a recommended decision and order before completion of a transcript of the proceedings.
- j) All exceptions to the ALJ's recommended decision and order shall be filed and served in accordance with Sections 1300.90 and 1300.130.

Section 1300.80 Authority of Administrative Law Judges

The ALJ shall have the duty to conduct fair proceedings, to take all necessary action to avoid delay, to maintain order and to ensure development of a clear and complete record. The ALJ shall have all powers necessary to achieve these ends, including, but not limited to, the discretionary authority to:

- a) Review the designation, any objections and any supporting documentation and determine whether a designation is proper based solely on the information submitted to the Board or whether a hearing is necessary to determine whether the designation is proper;
- b) Require the parties to participate in a pre-hearing conference before proceeding with a hearing;
- c) Require all parties to submit pre-hearing information, including, but not limited to:
 - 1) a detailed written statement of the issue to be resolved at hearing and its position;
 - 2) a list of witnesses each party intends to call, the nature of their testimony, the estimated time for each witness' testimony, and the estimated time for the party's case in chief;

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- 3) a list of exhibits to be offered by each party in its case in chief and a copy of each exhibit; and
- 4) all other information the ALJ requests;
- d) Regulate the proceedings of the case and the conduct of the parties and their counsel;
- e) Administer oaths and affirmations;
- f) Receive relevant testimony and evidence;
- g) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;
- h) Examine witnesses and direct witnesses to testify; however, this provision does not lessen any party's burden of proof;
- i) Issue subpoenas and rule upon motions to revoke subpoenas;
- j) Take administrative notice of generally recognized facts of which Illinois courts may take judicial notice and of other facts within the specialized knowledge and experience of the Board;
- k) Rule on objections, motions and questions of procedure;
- l) Hear closing argument and, in extraordinary circumstances, authorize the submission of briefs and set the time for their filing;
- m) Order a hearing reopened before the issuance of the ALJ's recommended decision and order;
- n) Render and serve the recommended decision and order on the parties to the proceeding; and
- o) Carry out the duties of the ALJ as provided or otherwise authorized by this Part or the Act.

Section 1300.90 Computation and Extensions of Time; Service

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- a) In computing any period of time prescribed by the Act or this Part, the designated period of time begins to run the day after the act, event or default and ends on the last day of the period so computed. If the last day falls on a Saturday, Sunday or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.
- b) When a time period prescribed under the Act or this Part is less than 7 days, intervening Saturdays, Sundays or legal holidays shall not be included.
- c) Service of Documents
 - 1) Service of a document upon a party by mail shall be presumed complete 3 days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds for overcoming the presumption.
 - 2) Service of a document upon a party by e-mail shall be presumed complete on the day that the document is transmitted via e-mail. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered, was delivered at a later date or was not accessible by the party. A party's failure or refusal to open a document served by e-mail shall not be grounds for overcoming the presumption.
- d) Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the Board may use U.S. Mail, hand delivery and e-mail as methods of transmitting and filing certain documents in processing gubernatorial designations.
 - 1) The original designation must be transmitted to the Board in its Springfield office as described in Section 1300.50.
 - 2) Service of designations by the Board may be accomplished by U.S. Mail, hand delivery or e-mail.
 - 3) Objections to designations must be transmitted to the Board in its Springfield or Chicago office and to other parties as described in Section

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1300.60. Objections to designations must be received by the Board in its Springfield or Chicago office within 10 days after the date of service of the designation on the objecting party.

- 4) The recommended decision and order of the ALJ will be served on the parties to the proceeding by e-mail only.
- 5) Exceptions to the recommended decision and order of the ALJ will be filed with the Board by e-mail only at ILRB.Filing@illinois.gov and will be served on all other parties via e-mail subject to the following:
 - A) In cases in which an employee subject to the designation is not represented by a collective bargaining representative, an employee filing exceptions under this Section shall serve the exceptions upon the employer at its e-mail address.
 - B) In cases in which an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing exceptions under this Section shall serve the exceptions upon the employer at its e-mail address and on the collective bargaining representative at its e-mail address. A collective bargaining representative filing exceptions under this Section shall serve the exceptions upon the employer at its e-mail address and on each employee whose position is the subject of the objection at his or her e-mail address.
- e) Requests for postponements of hearings shall be filed in accordance with Section 1300.100. Requests for postponements of other deadlines, as well as requests for extensions for the filing of briefs or exceptions, must be made before the then existing deadlines. Except for good cause shown, no request for postponement will be granted on any of the 3 days immediately preceding the date of a hearing. For purposes of this Section, good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case. Such a request will only be granted in extraordinary circumstances after consideration of its potential impact on the Board's ability to meet the time requirements of the Act and limited to the following circumstances:

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- 1) all requests must be in writing, directed to the Board agent responsible for the proceeding (designated in the Notice of Hearing);
- 2) the grounds for the request must be set forth in detail;
- 3) the requesting party must specify alternative dates for scheduling the hearing or conference or for the due date of any documents;
- 4) the position of all parties concerning both the postponement or extension requested and the proposed alternative dates must be ascertained in advance by the requesting party and set forth in the request; and
- 5) the request is made for a continuance to a date and time certain; in no event shall an indefinite continuance be granted.

Section 1300.100 Motions

- a) In matters set for hearing, all motions must be filed with the assigned ALJ via e-mail to the e-mail address provided by the ALJ. Motions shall be simultaneously served on other parties via e-mail at the e-mail addresses specified by each party as follows:
 - 1) In cases in which an employee subject to the designation is not represented by a collective bargaining representative, an employee filing a motion under this Section shall serve the motion upon the employer at its e-mail address.
 - 2) In cases in which an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing a motion under this Section shall serve the motion upon the employer at its e-mail address and on the collective bargaining representative at its e-mail address. A collective bargaining representative filing a motion under this Section shall serve the motion upon the employer at its e-mail address and on each employee whose position is the subject of the motion at his or her e-mail address.

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- b) Once the ALJ's recommended decision and order has been issued, all motions shall be filed with the Board by e-mail at ILRB.Filing@illinois.gov and simultaneously served on other applicable parties as described in subsections (a)(1) and (2).
- c) Motions to postpone or extend a hearing must be made in writing via e-mail unless made during the hearing, at which time the motions may be made verbally, on the record. Motions must briefly state the grounds for the motion and any relief requested.
 - 1) Motions to extend the time for the filing of documents must contain a statement that the moving party discussed the requested extension with the other parties. If no objections were raised, the moving party must certify that the other parties were consulted and authorized the moving party to represent that they have no objections. If objections were raised, the moving party must describe those objections and its response. Motions to extend time filed in conjunction with hearings on gubernatorial designation of positions as excluded from collective bargaining will be granted only in extraordinary circumstances.
 - 2) Motions for continuance must contain a statement that the moving party consulted with the other parties to determine whether they have any objection to the requested continuance. When there are no objections, the moving party must certify that it has consulted with the other parties and that they authorized the moving party to represent that they have no objections. When objections are raised, the moving party must describe those objections and its response. The motion for continuance must contain a statement that the moving party contacted the other parties to determine their availability for hearing on subsequent dates and it must indicate those dates in the motion. Motions for continuance filed in conjunction with hearings on gubernatorial designation of positions as excluded from collective bargaining will be granted only in extraordinary circumstances.
 - 3) At any time before the issuance of the recommended decision and order, a party may move to disqualify the ALJ on the grounds of bias or conflict of interest. The motion shall be in writing to the Board's General Counsel, with a copy to the ALJ, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds

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for disqualification. The General Counsel may decline to disqualify the ALJ or may appoint another ALJ to hear the case.

- d) Responses and any other answering documents, including memoranda and affidavits, must be filed within 3 days after service of the motion, or as otherwise required by the ALJ or the Board. Responses must be filed with the assigned ALJ via e-mail to the e-mail address provided by the ALJ and will be served on all opposing parties via e-mail at the e-mail addresses specified by each party.
- e) Rulings on motions shall be made in writing and served on all parties to the proceeding. The ALJ may reserve ruling on any motion until the issuance of a recommended decision and order. Motions and responses shall not serve to postpone or delay the proceedings.
- f) Rulings on motions are not appealable to the Board, unless otherwise provided by the Board.

Section 1300.110 Subpoenas

Following a Notice of Hearing on a designated position or positions, the Board, upon the request of an ALJ or upon the written application of a party, shall have the power to issue subpoenas for witnesses and subpoenas for documents. Requests for subpoenas must be filed with the assigned ALJ via e-mail to the e-mail address provided by the ALJ and will be served on all opposing parties via e-mail at the e-mail addresses specified by each party.

- a) Subpoenas for Witnesses
 - 1) A party's written application for subpoenas for witnesses must be directed to the ALJ and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) the name of the person to be subpoenaed; and
 - D) the date, time and place of the appearance to be commanded.

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- 2) Applications must be filed with the ALJ and served on the other parties to the case at least 5 days before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas on the witnesses at least 3 days before the hearing date. The party requesting the subpoenas shall also be responsible for payment of the witness fees for attendance, subsistence and mileage. Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Fees and Salaries Act [705 ILCS 35/4.3]. The requesting party must tender all fees with the subpoena. A witness appearing at the request of the Board shall submit the subpoena with a voucher when claiming reimbursement.
 - 4) Board employees shall not be subpoenaed to testify regarding matters that occurred during their employment with the Board.
 - 5) Subpoenas shall remain in effect throughout the course of the proceedings.
- b) Subpoenas for Documents (Subpoena Duces Tecum)
- 1) A party's written application for subpoenas for documents must be directed to the ALJ and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) a detailed description of the books, papers, documents or other objects to be produced pursuant to the subpoena;
 - D) the name of the person to be served with the subpoena; and
 - E) the date, time and place of production to be commanded.

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- 2) Applications must be filed with the ALJ and served on the other parties to the case at least 5 days before the hearing. The date and time for production of documents may be before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas at least 3 days before the hearing date and 3 days before the date on which the documents are to be produced.
 - 4) Confidential Board documents as defined in 2 Ill. Adm. Code 2501.20(c) shall not be subpoenaed.
- c) **Motions to Revoke Subpoenas**
A person objecting to the subpoena may file a motion to revoke the subpoena. The motion must be filed at least one day before the hearing and shall be filed with the ALJ assigned to the case. Grounds for revocation shall include irrelevance, undue burden and privilege.

Section 1300.120 Representation of Parties

A party may be represented by counsel or any other representative of the party's choosing. The representative shall file a Notice of Appearance with the Board. Filing objections on behalf of a party shall be equivalent to filing a Notice of Appearance.

Section 1300.130 Appeals Procedures, Board Review and Court Review

- a) **ALJ's Recommended Decision and Order**
 - 1) Parties may file exceptions to the ALJ's recommended decision and order, and briefs in support of those exceptions, not later than 3 days after service of the recommended decision and order. All exceptions shall be filed and served in accordance with Section 1300.90. Each party shall serve its exceptions on the other parties. If the original exceptions are withdrawn, then all subsequent exceptions are moot. A party not filing timely exceptions waives its right to object to the ALJ's recommended decision and order.

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- 2) Exceptions shall specifically set forth the questions of procedure, fact, law or policy to which exception is taken, shall identify that part of the ALJ's recommended decision and order to which objection is made, shall state the grounds for the exceptions, and shall include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation that is not specifically urged shall be considered waived. Any exception that fails to comply with the foregoing requirements may be disregarded.
- 3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain:
 - A) a clear and concise statement of the case containing all that is material to the consideration of the questions presented;
 - B) a specification of the questions involved and the issues to be argued; and
 - C) an argument presenting clearly the points of fact and law relied upon in support of the position taken on each question.
- 4) The Board will review the ALJ's recommended decision and order upon timely filing of exceptions or at any time on its own motion. The Board may adopt all, part or none of the recommended decision and order, depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order. If the gubernatorial designation is found to be proper by the Board in its decision and order, the Executive Director shall certify the position as a gubernatorial designation.
- 5) If no exceptions to the ALJ's recommended decision and order have been filed within the prescribed time period, the parties will be considered to have waived their exceptions. Unless the Board reviews the recommended decision and order upon its own motion, it will not be legal precedent and shall be final and binding only on the parties to that proceeding. The Board's General Counsel shall issue an order so providing. If the gubernatorial designation is found to be proper by the ALJ's recommended decision and order as supported by the General

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Counsel's order, the Executive Director shall certify the position as a gubernatorial designation.

- b) **Court Review of Board Orders**
A party aggrieved by a final order of the Illinois Labor Relations Board State Panel may obtain judicial review of that order in accordance with the Administrative Review Law [735 ILCS 5/Art. III], except that review shall be afforded directly in the Appellate Court for the district in which the party resides or does business, in accordance with Section 11(e) of the Act.

Section 1300.140 Ex Parte Communications

No party or other persons legally interested in the outcome of a hearing may communicate ex parte, either directly or indirectly, with an ALJ or with any member of the Board regarding matters pending before the Board.

Section 1300.150 Variances and Suspensions of Rules

The provisions of this Part may be waived or suspended by the Board when it finds that:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by the granting of the variance; and
- c) application of the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Explosives Act
- 2) Code Citation: 62 Ill. Adm. Code 200
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
200.10	Amendment
200.11	Amendment
200.12	Amendment
200.15	New Section
200.20	New Section
200.25	New Section
200.30	New Section
200.35	New Section
200.40	New Section
200.45	New Section
200.50	New Section
200.90	New Section
200.93	New Section
200.96	New Section
200.98	New Section
200.100	Repealed
200.101	Amendment
200.102	Amendment
200.103	Amendment
200.104	Amendment
200.105	Amendment
200.106	Amendment
200.107	Amendment
200.108	Amendment
200.200	Amendment
200.201	Amendment
200.205	Amendment
200.206	Amendment
200.300	Amendment
200.301	Amendment
200.302	Amendment
200.400	Amendment
200.401	Amendment
200.402	Amendment

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200.500	Amendment
200.501	Amendment
200.502	Amendment
200.504	Amendment
200.505	Amendment
200.600	Amendment
200.602	Amendment
200.603	Amendment
200.700	Amendment
200.701	Amendment
200.800	Amendment
200.802	Amendment
200.803	Amendment
200.804	Amendment
200.805	Amendment
200.806	Amendment
200.807	Amendment
200.808	Amendment
200.809	Amendment
200.810	Repealed
200.815	New Section
200.900	Repealed
200.901	Repealed
200.902	Repealed
200.903	Repealed
200.904	Repealed
200.905	Repealed
200.906	Repealed
200.907	Repealed
200.908	Repealed
200.909	Repealed
200.910	Repealed
200.911	Repealed
200.912	Repealed
200.913	Repealed
200.914	Repealed
200.915	New Section
200.920	New Section
200.925	New Section

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200.930	New Section
200.935	New Section
200.940	New Section
200.945	New Section
200.1000	New Section
200.1005	New Section
200.1010	New Section
200.1015	New Section
200.1020	New Section
200.1025	New Section
200.1030	New Section
200.1035	New Section
200.1040	New Section
200.1045	New Section
200.1050	New Section
200.1055	New Section
200.1060	New Section
200.1065	New Section
200.1070	New Section
200.1075	New Section
200.APPENDIX A	Amendment
200.APPENDIX C	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210] and 49 CFR 173.50, 27 CFR 555.219, 26 CFR 181.109 and 49 CFR 170 through 189
- 5) Effective Date of Rulemaking: August 26, 2013
- 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: May 31, 2013; 37 Ill. Reg. 7230

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
- In Section 200.10, "classified as Division 1.1, 1.2, 1.3 and 1.5 explosives by 49 CFR 173.5" was added after the word "materials".
- In Section 200.90(c)(4), "in quantities not to exceed 25 pounds" has been deleted and "except as defined as Division 1.1, 1.2, 1.3 explosives by 49 CFR 173.5" has been added.
- In Section 200.804(b), "at (217)782-9976" has been added after "telephone".
- In Section 200.1065, the following has been added: "(d) Final administrative decision are subject to the Illinois Administrative Review Law [735 ILCS 5/Art. III]."
- 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 an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Technical definitions and explosive classifications have been universally modified. These proposed amendments will establish consistency with industry standards as well as BATF and U.N. participatory entities. In addition, the proposed fee structure will help facilitate sustainability of the Division while not presenting an economic burden to the affected industries. These proposed amendments will clarify the scope, update definitions, modify technical references, update fee structures and modify administrative enforcement procedures.
- 16) Information and questions regarding these adopted rulemakings shall be directed to:

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 200

THE ILLINOIS EXPLOSIVES ACT

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section

200.10	Scope and Authority
200.11	Definitions
200.12	Incorporated Materials
<u>200.15</u>	<u>Computation of Time</u>
<u>200.20</u>	<u>Marking of Explosives</u>
<u>200.25</u>	<u>Information Required on Shipping Case</u>
<u>200.30</u>	<u>Records to be Maintained by Persons Transferring Explosive Materials</u>
<u>200.35</u>	<u>Exceptions to Sections 200.10 and 200.30(c)</u>
<u>200.40</u>	<u>Availability of Records</u>
<u>200.45</u>	<u>Exemption for Federal Personnel</u>
<u>200.50</u>	<u>Transportation on Same Motor Vehicle</u>

SUBPART B: EXPLOSIVES LICENSE-APPLICATION

Section

<u>200.90</u>	<u>Scope</u>
<u>200.93</u>	<u>Notice to Local Authorities</u>
<u>200.96</u>	<u>Application for Original Licensure</u>
<u>200.98</u>	<u>Qualifications for Licensure</u>
200.100	Application for Original Licensure (<u>Repealed</u>)
200.101	Contents of Application
200.102	Fingerprint Cards <u>and Fingerprint-Based Data</u>
200.103	Written Examination
200.104	Incomplete Application
200.105	Denial of Application
200.106	Refusal to Issue <u>Individual Explosives License or Temporary Explosives License</u>
200.107	<u>Explosives</u> License Renewal
200.108	Temporary <u>Explosives</u> License

SUBPART C: STORAGE CERTIFICATE APPLICATION

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NOTICE OF ADOPTED AMENDMENTS

- Section
- 200.200 Application for Original Storage Certificate
- 200.201 Contents of Application
- 200.202 Incomplete Application
- 200.203 Denial of Application
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<u>200.913</u>	<u>Immediate Suspension Without Notice of Hearing (Repealed)</u>
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<u>200.1020</u>	<u>Hearing Officer; Powers and Duties</u>
<u>200.1025</u>	<u>Subpoenas</u>
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<u>200.1055</u>	<u>Brief</u>
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<u>200.1065</u>	<u>Final Administrative Decision</u>
<u>200.1070</u>	<u>Immediate Suspension Without Notice of Hearing</u>
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200.APPENDIX A	American Table of Distances for Storage of Explosive Materials
200.APPENDIX B	Table of Separation Distances for Low Explosives
200.APPENDIX C	Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

AUTHORITY: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210] and 49 CFR 173.50, 27 CFR 555.219, 26 CFR 181.109 and 49 CFR 170 through 189.

SOURCE: Amended September 15, 1973; codified at 7 Ill. Reg. 12867; Part repealed, new Part adopted at 14 Ill. Reg. 3503, effective February 23, 1990; amended at 16 Ill. Reg. 11449, effective July 6, 1992; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 37 Ill. Reg. 14090, effective August 26, 2013.

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section 200.10 Scope and Authority

This Part implements the Illinois Explosives Act ~~(the Act) [225 ILCS 210], approved August 30, 1989 (P.A. 86-364)~~ and applies to all [acquisition](#), storage, use, ~~acquisition, possession, disposal~~ and transfer [and disposal](#) of explosive materials [classified as Division 1.1, 1.2, 1.3 and 1.5 explosives by 49 CFR 173.5](#) except as otherwise provided in the Act. This Part is intended to supplement the requirements of any ~~federal~~**Federal** or State law and regulations governing the storage, use, acquisition, possession, disposal and transfer of explosive materials, but shall be construed, wherever possible to avoid conflicting or duplicative requirements. [Obtaining an explosives license, a temporary explosives license or storage certificate under this Part does not waive the requirements of any other federal, State or local law or ordinance regulating blasting and explosives](#)~~In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government including the Bureau of Alcohol, Tobacco and Firearms, the Mine Safety and Health Administration and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control; provided that provisions of this Part shall not be deemed to be in conflict on the basis that they are more specific than, more stringent than or impose requirements for which no like requirements are contained in laws and rules enforced by agencies of the federal government.~~

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.11 Definitions

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The following definitions have the meanings specified, except when another meaning is provided in this Part~~For purposes of this Part the term:~~

"Acceptor" means a charge of explosives or blasting agent receiving an impulse from an exploding donor charge.

"Act" means the Illinois Explosives Act [225 ILCS 210].

"Ammonium Nitrate" means the ammonium salt of nitric acid represented by the formula NH_4NO_3 .

"ANFO" means an explosive material consisting of ammonium nitrate and fuel oil.

"Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet at the top of the mound or wall, or a mound or revetted wall of other material offering equivalent protection. Artificial barricades which are vegetated shall be of sufficient slope to enable mowing.

"ATF" means the Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

"Authorized Person" means a person holding a current Illinois Individual Explosives License or qualifying for an exemption pursuant to Section 200.90(c)(5).

"Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

~~"BATF" means the Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of Treasury.~~

"Black Powder" means a deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal, and an alkali nitrate, usually potassium or sodium nitrate.

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"Blast" or "Blasting" means the firing of explosive materials for such purposes as breaking rock or other material, moving material, or generating seismic waves ~~and the. The~~ assembly of explosive materials for such ~~purposes~~purpose.

"Blast Area" means the area of a blast within the influence of flying rock, missiles, ~~debris,~~ gases, and concussion.

"Blasting Agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap, as defined by ~~ATF the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Treasury,~~ when unconfined and is classified as a Division 1.5 material under 49 CFR 173.50.

"Blasting Cap" means a detonator which is initiated by a safety fuse.

"Bulk Mix" means a mass of explosive material prepared for use in bulk form without packaging.

"Bulk Mix Truck or Delivery Equipment" means equipment (usually a motor vehicle with or without a mechanical delivery device) that transports explosive materials in bulk form for mixing or loading directly into blastholes, or both.

"Bullet-Resistant" means magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door. When a magazine ceiling or roof is required to be bullet-resistant, the ceiling or roof shall be constructed of materials comparable to the side walls or of other materials which will withstand penetration of the bullet described above when fired at an angle of 45 degrees from the perpendicular. Tests to determine bullet resistance shall be conducted on test panels or empty magazines which shall resist penetration of 5 out of 5 shots place independently of each other in an area at least 3 feet by 3 feet.

"Bullet-Sensitive Explosive Material" means explosive materials that can be detonated by 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second when the bullet is fired from a .30 caliber rifle at a distance of not more than 100 feet and the test material, at a temperature of 70 to 75 F, is

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placed against a backing material of 1/2 inch steel plate.

"Cap Sensitivity" means the sensitivity of an explosive to initiation by a detonator. An explosive material is considered to be cap sensitive if it detonates with a No. 8 Test Detonator.

"Certificate" means a storage certificate issued by the Department allowing for the proper storage of explosives in accordance with the Act.

"Deflagration" means an explosive reaction such as a rapid combustion that moves through an explosive material at a velocity less than the speed of sound in the material.

"Department" means Illinois Department of Natural Resources.

"Detonating Cord" means a flexible cord containing a center core of high explosive ~~and used to initiate other explosives.~~

"Detonation" means an explosive reaction that moves through an explosive material at a velocity greater than the speed of sound in the material.

"Detonator" means any device ~~that contain~~containing any initiating or primary explosive that is used for initiating detonation and is classified as a Division 1.1 or 1.4 material under 49 CFR 173.50 (August 14, 2003). A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges.

"Director" means Director of the Department of Natural Resources or his or her designee.

"Disposal", with respect to explosive materials, means to render inert pursuant to manufacturer's recommendations or commonly accepted industry standards.

"Donor" means an exploding charge producing an impulse that impinges upon an explosive "acceptor" charge.

"Emulsion" means an explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

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"Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, that is classified as a Division 1.1, 1.2 or 1.3 material under 49 CFR 173.5. The term ~~and~~ includes high ~~and~~ low explosives. This term does not include consumer fireworks, but does include display fireworks. ~~Manufactured articles, including, but not limited to, fixed ammunition for small arms, fire crackers, safety fuses, and matches are not explosives when the individual units contain explosives in such limited quantity and of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units which would be injurious to life, limb or property.~~

"Explosive materials" means explosives, blasting agents, and detonators.

"Fire-Resistant" means construction designed to offer reasonable protection against fire.

"Fireworks" means any composition or device designed for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "consumer fireworks" or "display fireworks" as follows:

"Consumer fireworks" means any small fireworks device designed to produce visible effects by combustion and that must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission (16 CFR 1500 and 1507). Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg (0.77 grain) or less of explosive materials, and aerial devices containing 130 mg (2 grains) or less of explosive materials. Consumer fireworks are classified as Explosives, Class 1, Division 1.4, UN0336 or UN0337, by the U.S. Department of Transportation (USDOT) (see 49 CFR 172.101). This term also includes pyrotechnic devices for professional use that are classified as UN0431 or UN0432.

"Display fireworks" means large fireworks designed to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than 130 mg (2 grains) of explosive materials, aerial shells containing more than 40 grams (616 grains) of total pyrotechnic and explosive composition, and other

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display pieces that exceed the limits for classification as consumer fireworks. Display fireworks are classified as Explosives, Class 1, Division 1.1, 1.2 or 1.3, UN0333, UN0334 or UN0335, by USDOT (see 49 CFR 172.101).

"Grains" means a system of weight measurement where 7000 grains are equivalent to one standard 16-ounce pound (0.45 kg).

"Hardwood" means red oak, white oak, hard maple, ash or hickory, or material of equivalent structural integrity, free from loose knots, wind shakes, or similar defects.

"High Explosive" means explosives ~~that~~which are characterized by a very high rate of reaction, high pressure development, and the presence of a detonation wave in the explosive.

"Highway" means any public street, public ~~road~~highway, or public alley and includes privately financed, constructed or maintained roads that are regularly and openly traveled by the general public.

"Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assembly, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

"Inventory" means a listing of all explosive materials stored in a magazine.

"License" means a license issued by the Department under Article 2 of the Act authorizing the holder to possess, use, purchase, transfer or dispose of, but not to store, explosive materials.

"Low Explosive" means explosives ~~which are~~ characterized by deflagration ~~or a low rate of reaction and the development of low pressure.~~

"Magazine" means any building or other structure or container, other than a factory building, used to store explosive materials. Where mobile or portable type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which ~~thesueh~~ magazines are

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located.

"Magazine Keeper" means a qualified supervisory person licensed by the Department or otherwise exempted under Article 2 of the Act who is responsible for the acquisition, storage, use, possession, transfer and disposal of explosive materials, including inventory and transaction records, and person responsible for the inventory and safe storage of explosive materials, including ~~for the~~ proper maintenance of explosive materials, storage magazines and surrounding areas.

"Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures ~~that~~which require protection cannot be seen from the magazine when the trees are bare of leaves.

"Nonsparking Metal" means a metal that will not produce a spark when struck with other tools, rock, or hard surfaces.

"Office of Mines and Minerals" or "Office" means the office of the Department of Natural Resources charged with regulating the storage, use, acquisition, possession, disposal and transfer of explosive materials pursuant to the Act.

"Person" means any individual, corporation, company, association, partnership, or other legal entity, except that, with reference to individual licenses or when the context otherwise requires, person means a natural person.

"Plywood" means exterior construction-grade plywood.

"Propagation" means the detonation of explosive charges by an impulse received from adjacent or nearby explosive charges.

"Propellant Powder" means an explosive of fine granulation that, through burning, produces gases at a controlled rate to provide the energy for propelling a projectile.

"Railway" means any public steam, electric or other railroad or rail system ~~that~~which carries passengers for hire, but shall not include auxiliary tracks, spurs and sidings installed and primarily used in serving any mine, quarry or plant.

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"Salute" means an aerial shell, classified as a display firework, that contains a charge of flash powder and is designed to produce a flash of light and a loud report as the pyrotechnic effect.

"Small Arms Primer" means a device for lighting the powder charge in a modern cartridge of ammunition.

"Softwood" means Douglas fir or other wood of equal bullet resistance and free from loose knots, wind shakes or similar defects.

"Steel" means general purpose (hot or cold rolled) low-carbon steel or equivalent.

"Theft-Resistant" means construction designed to deter illegal entry into facilities used for the storage of explosive materials.

"Transfer" of explosive materials means to sell, give, distribute or otherwise dispose of explosive materials.

"Unbarricaded" means the absence of a natural or artificial barricade around explosive storage areas of facilities.

"Use" of explosive materials means the detonation, ignition, deflagration, or any other means of initiating explosive materials.

"Weather-Resistant" means construction designed to offer reasonable protection against weather.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.12 Incorporated Materials

- a) The following ~~documents~~~~federal and state regulations, standards~~ are incorporated or referenced in various ~~Sections~~~~sections~~ of this Part:

- 1) The National Fire Protection Association (NFPA)
~~1 Batterymarch Park~~~~110 Vermont Ave., N.W., Suite 1210~~
~~P.O. Box 9101~~
~~Quincy MA 02269-9101~~~~Washington, D.C. 20005,~~

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- ~~A1)~~ "The National Electrical Code" ~~—(2008/1987 Edition)—published by:~~
- B) "NFPA 1123 Code for Fireworks Display" (2010 Edition)
- C) "NFPA 1124 Code for the Manufacture, Transportation and Storage of Fireworks" (2006 Edition)
- 2) ~~"The Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents"—(NFPA 495-1985 Edition) published by:~~
- ~~The National Fire Protection Association (NFPA)
1110 Vermont Ave., N.W., Suite 1210
Washington, D.C. 20005~~
- ~~23)~~ Institute of Makers of Explosives
1120 19th Street N.W., Suite 310
Washington, ~~DC~~ 20036
- "The American Table of Distances" (Safety Library Publication No. 2, October 2011 Edition), and "Warnings and Instructions for Consumers in Transporting, Storing, Handling, and Using Explosive Materials" (Safety Library Publication. No. 4, ~~October 2009~~ June 1987 Edition)
- 34) Federal Regulations
- A) "Table of Distances for Storage of Low Explosives", 27 CFR 555.219 (2010), "Table of distances for storage of low explosives" 55.219, regulations of the Bureau of Alcohol, Tobacco, and Firearms.
- B) 16 CFR 1500 (2010)
- C) 16 CFR 1507 (2010)
- D) 27 CFR 555.126 (2012)

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- E) 49 CFR 172 (2012)
- F) 49 CFR 173 (2003)
- G) 49 CFR 171 through 177 (2012)
- H) 49 CFR 178 through 180 (2012)

- b) All incorporations by reference ~~in this Part of the standards of nationally recognized organizations~~ refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All materials incorporated by reference are available for inspection ~~and~~ copying at the ~~Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271~~ Department's General Office, 300 W. Jefferson, Suite 300, Springfield, Illinois 62791-0137.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.15 Computation of Time

- a) Except as otherwise provided, computation of time under this Part is based upon calendar days.
- b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next business day.
- c) Intermediate Saturdays, Sundays and legal holidays that fall within the prescribed time period are excluded from the computation of time when the prescribed time period is 7 days or less.
- d) A business day is any day the Department is open for business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.20 Marking of Explosives

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All explosive materials offered for acquisition, storage, use, possession, transfer and disposal in the State of Illinois shall be legibly identified by marking. The marks required by this Section shall identify the manufacturer and the location, date and shift of manufacture. The manufacturer shall place on each carton or other immediate container of explosive materials manufactured for sale or distribution the required mark, which shall also be placed on the outside container, if any, used for their packaging. With respect to explosive materials of small size not suitable for marking on the individual items (for example blasting caps), it shall only be necessary to place the identification on the container used for their packaging.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.25 Information Required on Shipping Case

Each shipping case shall have marked on it the total weight of the explosive material it contains, the month and year of the explosives manufacture, and the length and diameter of the sticks, cartridges or individual packages in the shipping case.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.30 Records to be Maintained by Persons Transferring Explosive Materials

Every person transferring any explosive material shall maintain:

- a) A record that enables him or her to trace the explosives to the recipient. The record shall consist of a:
 - 1) journal;
 - 2) book of records;
 - 3) invoice;
 - 4) inventory control record;
 - 5) federal form ATF F 5400.4 (Explosives Transaction Record; see 27 CFR 555.126) or other record that shows explosives delivered by manufacturer's name, count, weight, identification or other identifying mark that will enable the distributor to trace the explosives, and

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- 6) month and year of manufacture.
- b) The name, residence and business address of the recipient and the address to which the explosive material is to be delivered, if different from the business address.
- c) The name, address, social security number, driver's license identification number and brief physical description of the person taking the explosive material away.
- d) The type and license number of the vehicle by which the explosive material is to be transported.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.35 Exceptions to Sections 200.10 and 200.30(c)

Sections 200.10 and 200.30(c) do not apply when the transaction is between the manufacturer of the explosive material and the manufacturer's employee or when the explosives involved in a transaction are being shipped by a common carrier direct from the manufacturer's place of business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.40 Availability of Records

- a) The journal or book of record, or other record made by any person selling or giving away explosives, shall be open at all times to inspection by any law enforcement official and any representative of the Department.
- b) All records related to the possession, use, purchase, transfer or storage of explosive material shall be maintained for 3 years.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.45 Exemption for Federal Personnel

The Act and this Part do not apply to the possession, use, purchase, transfer, storage or disposal of explosive material by the United States military or other agencies of the United States, or to arsenals, navy yards, depots, or other establishments owned or operated by the United States.

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(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.50 Transportation on Same Motor Vehicle

No blasting caps or detonators, regardless of type, may be transported on the same motor vehicle with other explosives, unless they are transported in accordance with 49 CFR 170 through 189.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART B: ~~EXPLOSIVES LICENSE APPLICATION~~**Section 200.90 Scope**

- a) The license requirements of this Subpart apply to all explosive materials unless otherwise excepted by Section 2000 of the Act.
- b) No person shall acquire, store, use, transfer or dispose of explosive materials unless licensed by the Department, except as otherwise provided by Section 2001 of the Act.
- c) The licensing provisions of the Act and this Subpart do not apply to:
 - 1) agricultural fertilizers, which might be of an explosive nature, when the use of the fertilizers is for agricultural or horticultural purposes;
 - 2) a common or contract carrier authorized to carry explosive materials pursuant to the Interstate Commerce Act of 1887 (49 USC 101) or the Illinois Commerce Commission;
 - 3) the purchase, receipt, possession or use by an individual of primers or propellant powder used in muzzleloader firearms, hand loading, reloading or custom loading ammunition for small arms for his or her own use or that of his or her immediate family;
 - 4) the possession or purchase from dealers, importers or manufacturers, by any person who holds a valid Illinois Firearm Owner's Identification card, of smokeless small arms propellant except as defined as Division 1.1, 1.2 or 1.3 explosives by 49 CFR 173.5, black powder not to exceed 5 pounds,

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and small arms primers or percussion caps for muzzleloading arms in containers provided by the manufacturer or containers generally recognized as being suitable for the transportation and storage of, or commerce in, these items at retail, or the transportation or use of the items by any such person in muzzleloading ammunition for small arms;

- 5) the acquisition, possession, use, transfer or disposal of explosive materials in connection with mine, quarry, construction, manufacturing or wholesale or retail dealership operations in the ordinary course of business, provided that:
- A) the operator has obtained a storage certificate from the Department in accordance with Subpart C;
 - B) the acquisition, possession, use, transfer or disposal of explosive materials is limited to the operator's business operation; and
 - C) the person or persons designated as "magazine keeper" satisfy the licensure requirements, other than an examination, of this Subpart.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.93 Notice to Local Authorities

Within 10 days after the issuance of an original, temporary, replacement or renewed individual explosives license, the Department shall notify the appropriate law enforcement agency of the municipality or county of the issuance. (Section 2008 of the Act)

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.96 Application for Original Licensure

Any person who intends to possess, use, acquire, purchase, transfer or dispose of explosive materials, unless exempted under Section 1005, 2000 or 3000 of the Act, shall make application on forms provided by the Department. The application must be executed under penalties of perjury and accompanied by the required non-refundable fee.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

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Section 200.98 Qualifications for Licensure

- a) The Department will issue a license to an applicant who:
- 1) is at least 21 years of age;
 - 2) has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
 - 3) is not under indictment for a crime punishable by imprisonment for a term exceeding one year;
 - 4) is not a fugitive from justice;
 - 5) is not an unlawful user of or addicted to any controlled substance (as defined in Section 802 of the federal Controlled Substances Act) (21 USC 802);
 - 6) has not been adjudicated a mental defective;
 - 7) is a legal citizen of the United States; and
 - 8) has not been dishonorably discharged from the armed services.
- b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to 18 USC 40.845, may receive a license provided all other qualifications under the Act are met.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.100 Application for Original Licensure (Repealed)

~~Any person who intends to possess, use, purchase or transfer explosive materials, unless exempted under Section 1004 of the Act, shall make application on forms provided by the Department. The application must be executed under penalties of perjury and accompanied by the required fee.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

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Section 200.101 Contents of Application

The application for original licensure shall include:

- a) The applicant's full name and any aliases used by the applicant.
- b) The applicant's age, sex and date of birth.
- c) A physical description of the applicant, which shall include height, weight, color of hair and color of eyes.
- d) The applicant's social security number and, if applicable, driver's~~or drivers~~ license number.
- e) The applicant's resident address and telephone number.
- f) A description of the purposes for which and the places where explosive materials are to be possessed or used.
- g) If explosive materials are to be possessed and used in connection with a business, the name of the business, the form of organization of the business, the applicant's relationship to the business and the address or addresses, and telephone number, of any offices in this State out of which the business operates.
- h) A recent passport size photograph taken within the preceding 3 years.
- i) A personal history statement containing information required under Section 2005 of the Act.
- j) A statement that the applicant is a legal citizen of the United States.
- k) Any other information the Department deems appropriate.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.102 Fingerprint Cards and Fingerprint-Based Data

An applicant for original licensure, except for an applicant who has previously submitted fingerprint fingerprint-based data~~cards~~ to the Department, shall submit with the application

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fingerprint-based data, or other state of the art criminal identification data or ~~two (2)~~ sets of fingerprint cards on forms specified by the Department. The fingerprint cards shall be accompanied by the required non-refundable fee.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.103 Written Examination

- a) The written examination shall encompass but is not limited to, the following subject matter:
 - 1) Legal requirements for, and restrictions on, the possession, use, purchase, transfer, storage and disposal of explosive materials in Illinois.
 - 2) Safety principles in the transport, storage, handling and usage of explosive materials (as set forth in "Safety Library Publication No. 4", ~~June 1987 edition of the Institute of Makers of Explosives~~.
- b) The passing grade shall be at least 80%.
- c) An applicant who fails the first examination may be rescheduled at any time for re-examination. After the second and each subsequent failure, the application is ineligible for further examination until the expiration of at least 60 days from the previous examination.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.104 Incomplete Application

If the application does not contain all of the information or documents required under Section 200.101 for evaluation of the application, or if the fingerprint cards or criminal history background check data as originally submitted cannot be processed, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, or state that substitute fingerprint cards must be submitted, as the case may be, and shall advise the applicant that the application will be deemed denied unless the information, documents or fingerprint-based data~~fingerprints~~ are submitted within 60 days following the date of notification.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

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Section 200.105 Denial of Application

If the applicant fails to qualify for an original license by reason of age, or if the applicant fails to pass the examination within one year after of the date of application, or if the applicant fails to make complete application in accordance with Section 200.104 ~~of this Part~~, or if the applicant fails to pass the criminal history background check, or if the applicant fails to meet any of the qualifications for licensure under Section 200.98, the Department ~~will~~ shall deny the application and notify the applicant in writing. The notice shall set forth the reasons for denial and instructions for making any reapplication.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.106 Refusal to Issue Individual Explosives License or Temporary Explosives License

If, after the Department's investigation of the application, the Department intends to refuse to issue a license, the Department shall notify the applicant in writing of the grounds upon which ~~the~~ such intended refusal is based and of the applicant's right to a hearing pursuant to Section ~~200.1000~~ 200.900 ~~of this Part~~.

- a) The grounds for refusal to issue an individual explosives license or temporary explosives license or to renew an individual explosives license include, but are not limited to, the following:
- 1) Possession, use, acquisition, transfer, handling, disposal or storage of explosive materials in a manner that endangers the public health, safety or welfare. In making this determination, the Department will consider information in aggravation or mitigation of the occurrence, including, but not necessarily limited to, security precautions utilized, whether commonly accepted industry safety standards were followed, and whether the occurrence was due to conditions beyond the control of the licensee, such as a natural disaster, product defect or sabotage;
 - 2) Refusal to produce records or reports or permit any inspection lawfully requested by the Department;
 - 3) Failure to make, keep or submit any record or report required by the Act or this Part, or making, keeping or submitting a false record or report.

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- b) Whenever the Department intends to refuse to issue an individual explosives license or a temporary explosives license, it shall give written notice to the applicant personally or by certified mail sent to the applicant's last known address. The notice shall include:
- 1) The specific grounds upon which the Department's refusal to issue the explosives license or temporary explosives license is based;
 - 2) A statement that the applicant may request a hearing to contest the Department's intended action by filing a written request for hearing within 30 days after the date the Department's notice is mailed.
 - A) All requests for hearing shall be mailed or delivered to:

Illinois Department of Natural Resources
Office of Mines and Minerals
One Natural Resources Way
Springfield IL 62702-1271
 - B) Requests for hearing must be filed in accordance with Section 200.930(d)(3).
 - C) Filing of the request for hearing shall be deemed complete upon its receipt by the Department, as evidenced by the date upon which the Department's mail receipt stamp appears on the request for hearing;
 - 3) A statement that the applicant's failure to make a written request for hearing in accordance with Section 200.930(d)(4) within 30 days after the Department's notice is mailed will constitute a waiver of the applicant's rights to contest that action and will result in the entry of a final administrative decision affirming the Department's refusal to issue the explosives license or temporary explosives license, which shall be conclusively presumed to be correct.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

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- a) ~~An explosives~~A license issued pursuant to this Subpart is valid for 3 years from the date of issuance.
- b) The holder of an explosives license may renew ~~that~~such license during the 60 day period preceding ~~its~~the expiration date ~~thereof~~ by submitting a renewal application on forms provided by the Department, together with the required fee (see Subpart D).
- c) Any explosives license ~~which is not~~ renewed within 30 days following its expiration will be cancelled. Any requests after that date to renew or restore will be treated as a new application.
- d) The extended renewal period under subsection (c) ~~above~~ does not allow an explosives licensee to engage in any conduct or activities for which a license is required during the 30 day period after the license has expired.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.108 Temporary Explosives License

- a) Any person not a resident of Illinois who intends to possess, use, purchase, acquire or transfer explosive materials in Illinois on a limited basis may make application on forms provided by the Department for a temporary explosives license. The application must be executed under penalties of perjury and accompanied by the required, non-refundable fee (see Subpart D).
- b) The application for temporary explosives licensure shall include the same information required for an original explosives license under Section 200.101 ~~of this Part~~ and in addition shall include:
 - 1) Evidence of a valid existing ~~explosives~~explosive license or storage permit issued by ~~ATF the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, if the~~such federal license ~~is to be~~ of a classification appropriate to the activities to be conducted under the temporary explosives license.
 - 2) A complete description of the activities requiring the acquisition, storage use, ~~purchase or~~ transfer or disposal of explosive materials in Illinois,

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including the location and length of the project or activity.

- 3) A current and valid storage certificate, if applicable to the activity, issued under Subpart C of this Part.

- c) A temporary explosives license issued pursuant to this Section shall entitle the holder to engage only in those activities for which the explosives license was issued and shall be valid only until the activities are completed, but in any event, no more than 3 months from the date of issuance.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART C: STORAGE CERTIFICATE APPLICATION

Section 200.200 Application for Original Storage Certificate

Any person who intends to store explosive materials, or seeks a modification of a storage certificate, shall make application on forms provided by the Department. The application must be executed under penalties of perjury.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.201 Contents of Application

The application for an original storage certificate shall include:

- a) The full name and the business and residence addresses and telephone numbers of the person making the application.
- b) The full name and the business and residence addresses and telephone numbers of the ~~person having responsibility for the~~ magazine (~~the magazine~~ keeper), if different from the applicant.
- c) The location or proposed location of the magazine, including the township, section, range, global positioning satellite coordinates, county and, if the magazine is located in an unincorporated area, the name and distance from the nearest municipality.
- d) The kind and maximum quantity of explosive materials intended to be stored in

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the magazine at any one time.

- e) The distance or intended distance of the magazine from the nearest magazine building, railroad or highway, and whether the magazine is barricaded.
- f) A description of the purposes for which explosive materials are intended to be stored.
- g) The full names and explosive license numbers of all persons who will have access to and handle explosive materials, or a statement of the reasons for which an exemption from the individual license requirements is claimed under Section 1004 of the Act.
- h) Any additional information the Department may require.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.205 Refusal to Issue

If, after the Department's investigation of the application, the Department intends to refuse to issue a storage certificate, the Department shall notify the applicant in writing of the grounds upon which ~~the~~ intended refusal is based, and of the applicant's right to a hearing pursuant to Section ~~200.930(d)(3)200.900~~ of this Part.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.206 Renewal

A storage certificate issued under this Subpart shall expire on the last day of February of each year. The holder of a storage certificate may renew the certificate by submitting a renewal application on forms provided by the Department, together with the required fee (see Subpart D). The renewal application and fee shall be delivered to the Department prior to at the time of the annual inspection of the magazine during the 6-month period immediately preceding the expiration date of the storage certificate.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART D: FEES

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Section 200.300 Fees

The following fees shall be paid to the Department for administration of the Act and are non-refundable.

- a) The fee for an application and to receive an explosives license is ~~\$100~~\$75.00 (plus the amount required under contract with the ~~Illinois Department of State Police~~ for processing and/or reprocessing the fingerprints).
- b) The fee for re-examination of an applicant is ~~\$50~~\$25.00.
- c) The renewal fee for an explosives license is ~~\$100~~\$75.00.
- d) The fee for a temporary explosives license is ~~\$150~~\$75.00.
- e) Except as provided in subsections (f) and (g) ~~below~~ pertaining to Type 5 magazine storage sites and ~~detonator~~cap magazines, the fee for an application and to receive a storage certificate is as follows:

Quantity of Explosive Materials	Fee
1 - 50 lbs	\$25
51 - 1,000 lbs	\$100 <u>\$50</u>
1,001 - 50,000 lbs	\$150 <u>\$100</u>
50,001 - 300,000 lbs	\$300 <u>\$200</u>

- f) The fee for an application and to receive a storage certificate for a Type 5 magazine storage site is as follows:

Quantity of Explosive Materials	Fee
1 - 50,000 lbs	\$150 <u>\$100</u>
50,001 - 300,000 lbs	\$300 <u>\$200</u>

- g) The fee for an application and to receive a storage certificate for the storage of blasting ~~detonator~~caps is as follows:

Number of <u>Detonators</u> Caps	Fee
1 - 1,000	\$50 <u>\$25</u>
1,001 - 50,000	\$150 <u>\$100</u>

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over 50,000

~~\$300~~²⁰⁰

- h) The renewal fee for a storage certificate is the same as for an original certificate.
- i) The fee for a replacement explosives license, temporary explosives license or storage certificate (lost, stolen, destroyed) is ~~\$50~~^{25.00}.
- j) The fee for a duplicate original license or storage certificate (worn or damaged) is ~~\$25.00~~.
- k) The fee for a modified storage certificate is \$25.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.301 Proration of Fees

An original storage certificate applied for and received during the 6 month renewal period ending the last day of February ~~28~~ shall be issued for the balance of the renewal period and the following full year, and the fee shall be calculated at 1½ times the fee specified in Section 200.300(e), (f) and (g) of this Part.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.302 Fee Exemption~~Waiver of Fees~~ – Government Agencies

Fees assessed in connection with explosives licenses, temporary explosives licenses and storage certificates will be waived for agencies of the federal government and the State of Illinois and its political and civil subdivisions if the storage, acquisition, possession, use, transfer or disposal of explosive material is for emergency response functions. ~~Fees will also be waived for officers and employees of such agencies if the agency submits a letter on its letterhead setting forth that the license or storage certificate is required in the discharge of the officer's or employee's duties.~~

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART E: CLASSIFICATION OF MAGAZINES AND
GENERAL STORAGE REQUIREMENTS**Section 200.400 General Storage Requirements**

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- a) All explosive materials shall be stored in magazines ~~that~~which meet the requirements of this Subpart, unless they are:
- 1) In process of manufacture.
 - 2) Being used.
 - 3) Being loaded or unloaded into or from transportation vehicles or while in the course of transportation.
- b) When blasting agents are stored in the same magazine with explosives, the magazine shall be suitable for storage of high explosives.
- c) Detonators such as blasting caps, electric blasting caps, electronic or non-electric delay devices shall not be stored in the same magazine with other explosive materials.
- d) Explosive materials ~~that~~which are classified as high explosives, including display fireworks in USDOT Class 1, Division 1.1, shall be stored in Type 1 or 2~~Types 1, 2, or 3~~ magazines. Explosive materials ~~which are~~ classified as low explosives, including display fireworks in USDOT Class 1, Divisions 1.2 and 1.3, may be stored in Type~~Types~~ 1, 2, ~~3,~~ or 4 magazines. Explosive materials ~~which are~~ classified as blasting agents~~Blasting Agents~~ may be stored in Type~~Types~~ 1, 2, ~~3,~~ 4, or 5 magazines.
- e) Detonators shall be stored in Type 1 or 2~~Types 1, 2, or 3~~ magazines, except that electric blasting caps having leg wires at least four feet long (provided they are in the configuration ~~as~~ supplied by the manufacturer) may be stored in a Type 4 magazine.
- f) Detonating cord shall be stored in either a Type 1 or 2~~Type 1, 2, or 3~~ magazine and may be stored in these same type magazines with other explosive materials, except detonators.
- g) Explosive materials, including detonators, may be temporarily stored in a Type 3 magazine while the explosive materials are being transported or while attended.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

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Section 200.401 Classification of Magazines

- a) Type 1 Magazine. A permanent magazine for the storage of high explosives. Type 1 magazines are bullet resistant, fire resistant, theft resistant, and weather resistant.
- b) Type 2 Magazine. A portable or mobile magazine for outdoor or indoor storage of high explosives. Type 2 magazines are bullet resistant, fire resistant, theft resistant, and weather resistant.
- c) Type 3 Magazine. A portable magazine for the temporary storage of explosive materials while attended. An example is a "day box" at the site for blasting operations. Type 3 magazines are fire resistant, theft resistant, and weather resistant. A storage certificate is not required for a Type 3 magazine.
- d) Type 4 Magazine. A permanent, portable or mobile magazine for outdoor or indoor storage of low explosives. Type 4 magazines are fire resistant, theft resistant and weather resistant.
- e) Type 5 Magazine. A permanent, portable or mobile magazine for the storage of blasting agents. Type 5 magazines include tanks, tank trailers, tank trucks, semi-trailers, bulk mix trailers, bulk mix trucks and bins. Type 5 magazines are theft resistant, and outdoor Type 5 magazines are also weather resistant.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.402 Location of Magazines – Distances and Quantity

- a) All outdoor magazines except Type 3 shall be located as provided in the American Table of Distances (~~located in~~ Appendix A ~~of this Part~~) for magazines containing any amount of high explosives and the Table of Separation Distances for Low Explosives (~~located in~~ Appendix B ~~of this Part~~) for magazines containing low explosives when determining minimum distances ~~to~~ inhabited buildings, passenger railways, ~~and~~ public highways and other magazines.
- b) Separation Distances in the American Table of Distances, the Table of Separation Distances for Low Explosives and the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents (Appendix C) shall be used in determining minimum separation of storage

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facilities for explosives, blasting agents, and ammonium nitrate. The American Table of Distances and the Table of Separation Distances for Low Explosives should be used to determine safe distances from inhabited dwellings, highways, passenger railways, and between explosive materials magazines. The ~~Table~~ Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine non-propagation distances to ANFO blasting agents and to ammonium nitrate. The greater of the distances shown in the American Table of Distances or the Table of Separation Distances for Low Explosives, whichever is applicable, and in the ~~Table~~ Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine the required separation between a magazine for storage of explosives and a magazine for storage of blasting agents.

- c) The storage of explosive materials in indoor magazines shall not exceed 50 pounds in any building or facility. No indoor magazine shall be located in a residence or dwelling. Indoor magazines shall be located on a floor ~~that~~ which has an exit at or ramp to exterior grade level ~~and. Indoor magazines~~ shall be located not more than 10 feet from ~~that~~ such an exit. These requirements shall be waived by the Department if it is determined an alternative location offers improved safety and security. Magazines ~~Two magazines~~ may be located in the same building or facility when ~~magazines~~ one is used for detonators are limited to only, in quantities not in excess of 5,000 detonators; and when a distance of 10 feet is maintained between any detonator and explosive storage magazines. All indoor magazines must be on casters or wheels to facilitate removal from a building in an emergency. The local fire department shall be notified of the location of the magazines and of any change in location.
- d) A Type 3 magazine is not subject to the American Table of Distances nor the Table of Separation Distances for Low Explosives, but shall be located as far away as practicable from neighboring inhabited buildings, railways, highways, and any other magazines.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

Section 200.500 Construction of Magazines

- a) *The Director may authorize alternate construction for explosives storage*

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magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any person intending to use alternate magazine construction shall submit a letter of application to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved. ([Section 5013\(b\) of the Act](#))(~~Ill. Rev. Stat. 1991, ch. 96½, pars. 1-5013(b)~~)

- b) Magazines constructed according to the following minimum specifications are approved as bullet-resistant as defined by Section 200.11 ~~of this Part~~ (all steel and wood dimensions are actual thickness; all concrete block and brick dimensions are nominal thicknesses):
- 1) Exterior of steel:
 - A) $\frac{5}{8}$ inch steel with an interior lining of any type of non-sparking material.
 - B) $\frac{1}{2}$ inch steel with an interior lining of not less than $\frac{3}{8}$ inch plywood.
 - C) $\frac{3}{8}$ inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 3 inches of softwood, or
 - iii) $2\frac{1}{4}$ inches of plywood.
 - D) $\frac{1}{4}$ - inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 5 inches of softwood, or
 - iii) $5\frac{1}{4}$ inches of plywood, or
 - iv) $1\frac{1}{2}$ inches of plywood with an intermediate layer of 2 inches of hardwood.

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- E) 3/16- inch steel with an interior lining of:
- i) 4 inches of hardwood, or
 - ii) 7 inches of softwood, or
 - iii) 6³/₄ inches of plywood, or
 - iv) 3/4 inches of plywood with an intermediate layer of 3 inches of hardwood.
- F) 1/8- inch of steel with an interior lining of:
- i) 5 inches of hardwood, or
 - ii) 9 inches of softwood, or
 - iii) 3/4 inches of plywood with an intermediate layer of 4 inches of hardwood, or
 - iv) 3/4 inches of plywood with a first intermediate layer of 3/4 - inch plywood and a second intermediate layer of 3- 5/8 inches of well-tamped dry sand or sand and cement mixture.
- 2) Exterior of any type of fire-resistant material ~~that~~^{which} is structurally sound with:
- A) An interior lining of 1/2- inch plywood placed securely against an intermediate layer of:
- i) 4 inches solid concrete block, or
 - ii) 4 inches solid brick, or
 - iii) 4 inches solid concrete.
- B) An interior lining of 3/4 inches of plywood and a first intermediate

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- layer of $\frac{3}{4}$ - inch plywood, a second intermediate layer of $3\text{-}\frac{5}{8}$ - inch well-tamped dry sand or sand and cement mixture, a third intermediate layer of $\frac{3}{4}$ - inch plywood, and a four intermediate layer of 2 inches of hardwood or 14-gauge steel.
- C) An intermediate 6 inch space filled with well-tamped dry sand or well-tamped sand and cement mixture.
- 3) Masonry construction of:
- A) Standard 8- inch concrete block with voids filled with well-tamped dry sand or well-tamped sand and cement mixture, or
- B) Standard 8- inch solid brick, or
- C) 8- inch thick solid concrete.
- c) The ground around a magazine shall be graded in such a manner that water will not drain into the magazine.
- d) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines. Upon request, electric lighting systems for magazines will be authorized by the Department if they meet the standards prescribed by the National Electrical Code, for the conditions present in the magazine at any time. All electrical switches must be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.
- e) Type 1, 2, 3 or 4 magazines constructed with masonry walls or with any ferrous metal must have such interior surfaces covered with a non-sparking lattice, paint, mastic, or equivalent lining to prevent direct contact with stored explosive materials.
- f) In a Type 5 magazine, ferrous metal may be exposed on the interior of the magazine provided it cannot rupture the packages of explosive materials.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.501 Type 1 Magazine

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A Type I magazine shall be a permanent structure, such as a building or an igloo, that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated.

- a) Walls:
The walls shall be constructed according to any of the specifications listed in Section 200.500 ~~of this Part~~.
- b) Doors:
The doors shall be constructed according to any of the specifications listed in Section 200.500 ~~of this Part~~.
- c) Roof:
The roof shall be constructed of any type of structurally sound materials ~~that~~ which are or have been made ~~fire resistant~~ ~~fire-resistant~~ on the exterior.
- d) Roof or Ceiling:
Where the natural terrain around a Type I magazine makes it possible to shoot a bullet through the ceiling or roof at such an angle that a bullet could strike the explosive materials stored in the magazine, then either the roof or ceiling shall be of bullet-resistant construction. A bullet-resistant roof shall be constructed according to any of the specifications listed in Section 200.500 ~~of this Part~~. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered ~~bullet resistant~~ ~~bullet-resistant~~ are:
 - 1) A sand tray having a depth of not less than 4 inches of sand.
 - 2) Any construction meeting specifications of Section 200.500 ~~of this Part~~.
- e) Foundation:
The foundation may be of masonry, wood, or metal and shall be completely enclosed except for openings to provide cross-ventilation. A wooden foundation enclosure shall be covered on the exterior with a fire-resistant material.
- f) Floor:
The floor may be constructed of wood or other suitable materials. Floors constructed of materials that may cause sparks shall be covered with a surface of non-sparking materials or the packages of explosive materials shall be placed on pallets of non-sparking materials.

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- g) ~~Ventilation-~~
Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations shall be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling shall have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.
- h) ~~Locks-~~
Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of a mortise lock and a padlock; or with a three point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least $\frac{3}{8}$ inch diameter case-hardened shackle. All padlocks shall be protected by $\frac{1}{4}$ inch steel hoods that are installed in such a manner as to discourage insertion of bolt cutters, saws, files, or levering devices. Doors that are secured by at least two substantial internal bolts or bars do not require additional locking devices. Hinges and hasps shall be of substantial theft-resistant construction and all locking hardware shall be rigidly secured and fastened by welding or through bolts that which cannot be removed when the door is locked.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.502 Type 2 Magazine

A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semi-trailer, that is bullet resistant~~bullet-resistant~~, fire resistant~~fire-resistant~~, theft resistant~~theft-resistant~~, weather resistant~~weather-resistant~~, and ventilated, except that Type 2 indoor magazines need not be bullet or weather resistant~~weather-resistant~~ or ventilated. Any construction specified for a Type 1 magazine is acceptable for a Type 2 magazine.

- a) Type 2 Outdoor Magazines. Outdoor magazines shall be constructed according to the following specifications or to any of the specifications listed in Section 200.500 ~~of this Part~~.
- 1) The exterior and doors shall be constructed of not less than $\frac{1}{4}$ inch ~~$\frac{1}{4}$ inch~~

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steel and lined with at least two inches of hardwood. Magazines with top openings shall have lids with water-resistant seals or ~~that which~~ overlap the sides by at least one inch when in a closed position.

- 2) Floors covered of ferrous metal shall be covered with a surface of non-sparking material. Magazines with top openings shall have a lid that overlaps the sides by at least one inch when in closed position.
- 3) The magazine shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Magazines less than one cubic yard in size shall be securely fastened to a fixed object to prevent theft of the entire magazine.
- 4) Hinges, hasps, locks, and locking hardware shall conform to the provisions for Type 1 magazines as specified in Section 200.501(h) ~~of this Part~~. When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.

b) Type 2 Indoor Magazine

- 1) Type 2 indoor magazines constructed of wood shall have sides, bottoms, and lids or doors constructed of two ~~-~~inch wood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 26-gauge. Nails exposed to the interior ~~of~~ such magazines shall be countersunk.
- 2) Type 2 indoor magazines constructed of metal shall have sides, bottoms ~~and~~, the lids or doors constructed of 12-gauge metal and shall be lined inside with a non-sparking material. Edges of metal lids shall overlap sides at least one inch.
- 3) Type 2 indoor magazines shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The lid of ~~thesuch~~ magazines shall have substantial strap hinges and a means for locking with at least a five tumbler steel padlock having at least a $\frac{3}{8}$ inch diameter case-hardened shackle. The magazines shall be kept locked except during the placement or removal of explosive materials.

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- 4) Type 2 indoor magazines shall ~~be painted red and shall~~ bear contrasting lettering in white, on top, at least three inches high, reading "Explosives – Keep Fire Away:" or a similar warning.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.504 Type 4 Magazine

A Type 4 magazine shall be a permanent, portable, or mobile structure such as a building, igloo, box, semi-trailer or other mobile containers that is fire resistant~~fire-resistant~~, weather resistant~~weather-resistant~~, and ventilated, except that over-the-road trucks or semi-trailers used for temporary storage need not be ventilated or fire resistant~~fire-resistant~~.

- a) Type 4 Outdoor Magazine.
A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. Inside walls shall be constructed of non-sparking materials. The door shall be metal or wood covered with metal. The requirements of Section 200.501(e), (f) and (h) ~~of this Part~~ pertaining to foundations, floors, hinges, hardware and locks shall apply to permanent Type 4 outdoor magazines.
- b) Type 4 Indoor Magazine.
A Type 4 indoor magazines shall be constructed in accordance with the provisions for a Type 2 indoor magazine set forth in Section 200.502 ~~of this Part~~.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.505 Type 5 Magazine

A Type 5 magazine shall be a permanent, portable, or mobile structure, such as a building, igloo, box, bin, tank, semi-trailer, bulk trailer, tank trailer, bulk truck, tank truck or other mobile container, that is fire resistant~~fire-resistant~~, theft resistant~~theft-resistant~~, weather resistant~~weather-resistant~~, and ventilated, except that over-the-road trucks or semi-trailers used for temporary storage need not be fire resistant~~fire-resistant~~ or ventilated and indoor magazines need not be weather resistant~~weather-resistant~~ or ventilated. Interior of Type 5 magazines need not be covered with non-sparking material.

- a) Each door of a Type 5 magazine shall be locked with at least one steel case five-tumbler padlock having at least a $\frac{3}{8}$ inch diameter case-hardened shackle. A hood

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for the padlock is not required. Hinges and hasps shall be of substantial theft-resistant construction and all locking hardware shall be rigidly secured and fastened by welding or through bolts ~~that~~which cannot be removed when the door is locked.

- b) When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.
- c) *Where mobile or portable Type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which the magazines are located. ([Section 1003 of the Act](#))*

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

Section 200.600 Magazine Keeper

- a) Magazines shall, at all times, be in the charge of a competent person, known as the ~~magazine keeper~~Magazine Keeper, who shall be at least 21 years of age, possess a valid Illinois explosives license, unless exempted under Section 2000 of the Act, and ~~is who shall be~~ conversant with and will be responsible for the enforcement of all safety and security precautions. The current business and residence addresses and telephone numbers of the ~~magazine keeper~~Magazine Keeper shall be on file with the Department at all times.
- b) The ~~magazine keeper~~Magazine Keeper is responsible for seeing that the magazine is operated and maintained in accordance with this Part and that all reports and records are made and kept in accordance with Subpart I ~~of this Part~~. The holder of the certificate may designate additional magazine keepers~~some other individual meeting the requirements of (a) above as being responsible for the required reports and records, by notifying the Department of the business and residence addresses and telephone numbers of that designated responsible individual.~~

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.602 Safety Precautions – General

- a) Safety Rules-

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Safety rules (available from the Department) covering the operations of magazines shall be posted on the interior of the magazine door.

- b) ~~Warning Signs-~~
The premises upon which all outdoor magazines are located shall be posted with signs reading "Explosives – Keep Off"; or "Explosives – Magazine – Dangerous" or bearing other similar words of warning. Signs shall be located so that a bullet passing directly through the sign cannot strike the magazine.
- c) ~~Combustible, Sparking Materials, Equipment-~~
Magazines shall be used exclusively for the storage of explosive materials and blasting accessories. No metal tools other than nonferrous conveying equipment may be stored in the magazine unless protected by a non-sparking paint. Combustible materials shall not be stored within 50 feet of magazines.
- d) ~~Smoking, Flamesflames-~~
Smoking, matches, open flames, spark-producing devices, and firearms shall not be permitted inside of or within 50 feet of magazines, except that authorized persons may carry firearms within 50 feet of, but not inside, a magazine.
- e) ~~Unstable, Leaking Materials-~~
When explosive materials have deteriorated to an extent that they are in an unstable or dangerous condition, or any liquid leaks from any explosive material, then the person in possession of ~~thesueh~~ explosive material shall immediately proceed to deal with ~~thesueh~~ explosive material in accordance with the instructions of the manufacturer. Only ~~authorized~~~~experienced~~ persons shall direct the work of destroying explosive materials.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.603 Safety Precautions – Handling and Storage

- a) ~~Use of Stocks-~~
When explosive material is removed from a magazine for use, the oldest stocks shall be removed first. Where the certificate holder has adopted a quality control program that does not necessarily involve the removal of the oldest stock first, but ~~thatwhich~~ thatwhich complies with Section 200.602(e)~~of this Subpart~~, the requirements of this subsection shall be deemed to be met.

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- b) ~~Like Stocks Together-~~
Corresponding grades and brands shall be stored in a magazine together and in such a manner that brand and grade marks are visible. All stocks shall be stored so as to be easily counted and checked.
- c) ~~Stacking-~~
Containers of explosive materials shall be stacked in a stable manner to prevent shifting or falling. Rigid containers of explosive materials shall be laid flat, and cases shall be placed with top side up.
- d) ~~Ventilation-~~
Explosive materials shall be stored within a magazine so as not to interfere with required ventilation.
- e) ~~Black Powder-~~
Black powder, when stored in the same magazine with other explosive material, shall be stacked separately.
- f) ~~Containers-~~
Containers of explosive materials thatwhich have been opened shall be securely closed before being placed in a magazine. Only fiberboard containers may be opened in the magazine.
- g) ~~Damaged Containers-~~
Containers of damaged explosive materials shall not be unpacked or repacked in, or within 50 feet of, a magazine or in close proximity to other explosive materials.
- h) ~~Non-Sparking Tools-~~
Tools used for opening containers of explosive materials shall be constructed of non-sparking material, except that metal slitters may be used for opening fiberboard containers, provided that the metal slitter does not come into contact with any metallic fasteners thatwhich may be in or part of the case. Only a wooden wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials.
- i) ~~Stained Floors-~~
Magazine floors stained with liquid shall be dealt with according to instructions of the manufacturer.

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(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART H: TYPE 3 MAGAZINES AND VEHICLES AT BLAST AREAS

Section 200.700 Requirements for Type 3 Magazines

- a) Type 3 magazines are intended only for the temporary storage of explosive materials and are authorized for storage only during transport to and use at the blast area. A storage certificate is not required for a Type 3 magazine.
- b) Type 3 magazines containing explosive materials must be attended at all times. For the purposes of this subsectionparagraph, "attended at all times" means that the magazine must at all times be within the line of sight of, and visible to, a member of the work or blasting crew authorized to enter the magazine.
- c) Type 3 magazines must be locked during transport to and from the permanent magazine and blast area except during continuous drilling and loading at the site. The requirements that Type 3 magazines be locked as specified in this subsectionparagraph are in addition to the requirements that Type 3 magazines be attended at all times.
- d) Daily, at the conclusion of blasting operations, all explosive materials shall be returned to a Type 1, 2, 4 or 5 magazine, as appropriate, for unattended storage.
- e) Type 3 magazines and blast areas shall be posted with warning signs in accordance with Section 200.602(b) of this Part.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.701 On-Site Vehicles; Warning Signs

- a) Every vehicle carrying explosive materials on mine, quarry, construction or other blast areas shall have the word "Explosiveexplosive" painted on or attached to all 4 sides of the vehicle ~~in white letters at least 8 inches in height against a red background.~~
- b) The requirements of subsection (a) ~~above~~ do not apply to any vehicle placarded in accordance with ~~the Hazardous Materials Emergency Act [430 ILCS 50]"AN ACT to require labeling of equipment and facilities for the use, transportation,~~

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~~storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies", as amended (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et. seq.).~~

- c) No individual shall approach, ride upon, drive, load or unload a vehicle carrying explosive material carelessly, recklessly or while smoking or under the influence of intoxicating liquor or narcotic drug.
- d) No individual shall place or carry, or cause to be placed or carried, in or upon a vehicle containing explosive material any metal tool, piece of metal, fire, or any match, exploder, detonator, blasting cap or other device for producing spark, flame or heat, except tools for the operation and repair of the vehicle and tools normally used for preparation of explosive materials for blasting.
- e) No passengers, other than authorized helpers, shall be carried in or upon a vehicle containing an explosive material.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART I: RECORDKEEPING AND REPORTING

Section 200.800 Possession of License

- a) Licenses issued under Subpart B ~~of this Part~~ must be carried on the person at all times when the ~~original~~-licensee is purchasing, acquiring, possessing, using, disposing of, ~~or~~ transferring or otherwise handling explosive materials.
- b) Upon request, licensees must present their license to Department or law enforcement personnel, as required by the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.802 Report of Lost, Stolen or Destroyed Explosives License, Temporary Explosives License or Storage Certificate

- a) Upon discovery that an explosives license, a temporary explosives license or storage certificate has been lost, stolen or destroyed, the holder must notify the Department immediately by phone~~within 5 business days~~.

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- b) ~~Written~~The ~~written~~ notice shall be sent to the Department within 5 days after the phone notification, shall be executed under penalties of perjury, and shall include a description of the time, location and circumstances surrounding the loss, theft or destruction of the license or certificate.
- c) Upon receipt of the notice, the Department will cancel the license or storage certificate, and, upon payment of the required fee (see Subpart D), will issue a new original license or storage certificate with a newly assigned license or certificate number.
- d) At any time a lost or stolen certificate is found or recovered, it must be returned to the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.803 Worn or Damaged License or Storage Certificate

At any time an explosives license, a temporary explosives license ~~a license~~ or ~~storage~~ a storage certificate becomes worn or damaged to the extent that it is illegible in any respect, it must be returned to the Department. Upon receipt of the original license or storage certificate, and the required fee (see Subpart D), the Department will issue a duplicate original.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.804 Report of Changed Conditions; Cancellation or Modification of Storage Certificate

- a) The holder of a ~~certificate of~~ storage certificate shall notify the Department of any changed condition affecting the ~~certificate of~~ storage certificate. Changed conditions include, but are not limited to, the relocation of a magazine, the construction of additional magazines, and the construction and/or opening of an inhabited building, highways or railways affecting the distance requirements set forth in Section 200.402.
- b) Notification shall be in writing, and can also be by electronic submission at DNRExplosives.gov or by telephone at (217)782-9976, and shall be made as soon as practicably possible after discovery of the changed condition, but in any event no later than 5 business days prior to the intended relocation or addition of magazines, or the scheduled habitation or public opening of buildings, highways

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~~orand~~ railways.

- c) In circumstances in which the holder had no notice of a changed condition affecting the ~~storage~~ certificate ~~of storage~~, the holder shall contact the Department immediately by telephone at (217)782-9976 or by email at DNRExplosives.gov upon discovery of the changed condition.
- d) Upon notification, the Department will conduct an inspection and will cancel or modify the ~~storage~~ certificate ~~of storage~~ as appropriate. Modification may include, but is not limited to, relocation, reduction of the quantity of explosive materials ~~that~~which may be stored, and the requirement of a barricade.
- e) When the Department issues a modified storage certificate, the fee specified in Subpart D shall be assessed for each storage certificate requiring modification.
- f) The certificate holder shall be allowed to relocate an approved magazine within the same geographic site without payment of additional fees, provided the new location will allow storage of the same amount of explosives indicated on the existing certificate. The Department must be notified in advance of the relocation. The relocation of a magazine in this manner does not constitute a modification.
- g) Storage certificates issued under the Act are not transferable. In the event of the lease, sale or other transfer of the business or operations covered by the certificate, the new owner, tenant or successor in interest must obtain the storage certificate required by this Part before storing explosive materials. (Section 3002(d) of the Act)

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.805 Report of Theft or Loss of Explosive Materials and Accidents, Injuries or Incidents

- a) An explosives license holder, temporary explosives license holder or storage certificate holder shall immediately report to the Office of Mines and Minerals by telephone at (217)782-9976 or by email at DNRExplosives.gov and in writing within 24 hours after any accident, injury or incident involving explosive materials that results in death, personal injury requiring medical attention or property damage.

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- ba) ~~An explosives licensee, temporary explosives licensee or storage~~A licensee or certificate holder shall report the theft or loss of explosive materials to the [Office of Mines and Minerals immediately by telephone at \(217\)782-9976 or by email at \[DNRExplosives.gov\]\(#\)](#)Department within 24 hours ~~after~~of discovery. The explosives licensee, temporary explosives licensee or storage certificate holder shall also immediately notify local law enforcement of the theft or loss of explosive materials~~by telephone and in writing.~~
- c)b) The written notice shall be executed under penalties of perjury ~~on forms provided by the Department~~ and shall include a complete description of the explosive materials, including the manufacturer, brand name, any manufacturer marking, and quantity, and the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the ~~explosives licensee~~license or storage certificate holder.
- e) ~~The requirements of subsection (b) above shall be satisfied, for any person holding a license or permit issued by BATF, by filing with the Department a copy of written notification to BATF.~~

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.806 Records of Transactions – Explosives Licensees, Temporary Explosives Licensees and Storage Certificate Holders

- a) The requirements of this Section shall not apply to any ~~explosives licensee~~license or storage certificate holder who is a holder of an explosives license, a temporary explosives license or permit issued by ~~ATF~~BATF and who satisfies the recordkeeping requirements for transactions of explosive materials prescribed by ATF, ~~except that, in all cases, the information required under subsection (b)(2) shall be recorded. Unless otherwise exempted by the Act, it shall be unlawful to sell explosives to a person who does not possess a valid Illinois explosives license or storage certificate. The Department shall be allowed to inspect all ATF records. Failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J~~ BATF.
- b) ~~An explosives licensee, a temporary explosives licensee or a~~A licensee and holder of a storage certificate shall maintain a record of each transaction in which explosive materials are sold, purchased or otherwise transferred. The record shall

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be made on a sales slip, delivery ticket, invoice, ~~ATFBATF~~ transaction record form, or other document and shall include:

- 1) the name and address of the seller or person from whom the explosive materials were procured;
 - 2) the name, address and Illinois explosives license, temporary explosives license or storage certificate number (with expiration date), if applicable, of the purchaser or person to whom the explosive materials were delivered;
 - 3) the date of purchase or delivery; and
 - 4) the quantity and description of the explosive materials.
- e) ~~In the case of a licensee the transactions record shall be kept with the explosive materials and shall be produced by the licensee upon request.~~
- cd) Records of transactions for each explosives license, temporary explosives license or storage certificate shall be kept and maintained for a minimum of three years one year from the date of the transaction. The transaction records shall be produced by the licensee or certificate holder upon request by the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.807 Daily Summary of Magazine Transactions

- a) A record of the daily ~~inventory transactions~~ shall be kept for each magazine other than a Type 3 magazine. The record shall contain, by manufacturer or brand name, the total quantity of explosive materials received in and removed from the magazine, and the total remaining on hand at the end of the day. Any discrepancy ~~that which~~ indicates a theft or loss of explosive materials must be reported in accordance with Section 200.805 ~~of this Part~~. The daily inventory records shall be kept for at least three years.
- b) The requirements of this Section shall not apply to a storage certificate holder who is a holder of a license or permit issued by ~~ATFBATF~~ and who satisfies the requirements for making daily summaries of magazine transactions prescribed by ~~ATFBATF~~, but ~~such~~ compliance will not relieve the holder from making any

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reports under Section 200.805 ~~of this Part~~. The Department shall be allowed to inspect the inventory records. Failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.808 Transactions – Black Powder

- a) In lieu of the requirements of Sections 200.806 and 200.807 ~~of this Part~~, a holder of a storage certificate who engages in the sale of black powder in quantities not exceeding 5 pounds for sporting and recreational uses shall maintain a record of each transaction. The record shall be made in a book or ledger kept for that purpose and shall include:
- 1) the name, address and storage certificate number of the seller;
 - 2) the name and address of the purchaser;
 - 3) the Firearm ~~Owner's~~ Owners Identification (FOID) card number of the purchaser if the purchaser is a resident of Illinois, or other positive identification if the purchaser is a non-resident;
 - 4) the date of purchase; and
 - 5) the quantity of black powder transacted.
- b) Records of transactions shall be kept in chronological order and maintained for a minimum of ~~three years~~ one year from the date of the transaction at the storage site.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.809 Record of Annual Physical Magazine Inventory

- a) The holder of a storage certificate shall conduct and make a complete record of the physical inventory of explosive materials annually during the 6 month renewal period. If the inventory is conducted at the time of or prior to the annual inspection provided for in Section 200.206, the record shall be made available to the Department at the annual inspection. If the inventory is conducted after the

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annual inspection is completed, the holder shall submit a copy to the Department prior to the last day of February.

- b) In addition, the holder of a storage certificate ~~of storage~~ shall conduct and make a complete record of the physical inventory whenever the Department or holder has reason to believe, based on a personal observation, a review of records, or information received from other persons, that explosive materials may be lost or stolen from a magazine or otherwise unaccounted for, or that the amount or type of explosives being stored is not in compliance with the storage certificate. The holder of a certificate of storage shall also conduct and make a complete record of the physical inventory upon the request of the Department, based on the same beliefs. A special inventory conducted and recorded under this subsection satisfies the annual inventory requirement if it is conducted and recorded during the 6 month renewal period.
- c) The annual inventory requirements of subsection (a) ~~above~~ shall not apply to a storage certificate holder who is a holder of an explosives license, a temporary explosives license ~~a license~~ or storage permit issued by ATFBATF and who satisfies the annual and special inventory requirements prescribed by ATFBATF, but ~~such~~ compliance will not relieve the holder of a storage certificate from the obligation of conducting special inventories in accordance with subsection (b) ~~above~~. The Department shall be allowed to inspect the inventory records and failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.810 Inspections (Repealed)

~~Licensees and certificate holders shall make all required records available to authorized representatives of the Department and shall permit their facilities to be inspected at reasonable times and in a reasonable manner by representatives of the Department.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.815 Monitoring and Reporting

Pursuant to Section 4003(a) of the Act, the Department shall require the licensee to maintain any records pertaining to the possession, use, purchase, transfer and storage of explosive materials as

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the Department may prescribe and shall furnish the Department or its authorized representatives those records or other relevant information legally requested by the Department or its representatives. Explosives licensees and storage certificate holders shall maintain their records and other relevant information at a safe and secure location that is not in the immediate area where the explosives are stored.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART J: INSPECTION AND ENFORCEMENT
RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

Section 200.900 Notice of Department's Intended Action; Contents and Services
(Repealed)

~~Whenever the Department intends to refuse to issue or renew a license or certificate, to suspend or revoke a license or certificate, or to assess administrative fines against a holder of a license or certificate, the Department shall give written notice to the applicant or holder personally or by certified mail sent to the applicant or holder's last known address. The notice shall include:~~

- ~~a) The specific grounds upon which the Department's intended action is based.~~
- ~~b) The action the Department intends to take, including the amount of any fine the Department intends to impose.~~
- ~~c) A statement that the applicant or holder may request a hearing to appeal the Department's intended action by filing a written request within 15 days after receipt of notice of such action.~~
- ~~d) A statement that the applicant or holder's failure to make a written request for a hearing within 15 days after receipt of the notice of the Department's intended action will constitute a waiver of the applicant or holder's rights to contest such action and will result in the entry of a final administrative decision affirming the relief set forth, which shall be conclusively presumed to be correct.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.901 Request for Hearing on Department's Intended Action; Contents and Service
(Repealed)

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~~The request for a hearing shall be in writing, shall admit or deny matters alleged by the Department, and may also include any related explanatory information. The request for hearing shall be delivered personally or by mail sent to the Department at the address indicated in the notice.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.902 Notice of Hearing (Repealed)

~~Written notice setting forth the date, time, place, nature of the hearing and the name and address of the hearing officer shall be mailed to an applicant or holder making a timely written request for hearing at least 14 days prior to the scheduled hearing date.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.903 Postponement or Continuance of Hearing (Repealed)

~~A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.904 Hearing Officer; Powers and Duties (Repealed)

- a) ~~The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:~~
- ~~1) To administer oaths and affirmations;~~
 - ~~2) To receive relevant evidence;~~

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- 3) ~~To regulate the course of the hearing and the conduct of the parties and their counsel therein;~~
 - 4) ~~To consider and rule upon procedural requests;~~
 - 5) ~~To hold conferences for the settlement or simplification of the issues; and~~
 - 6) ~~To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify.~~
- b) ~~All participants in the hearing shall have the right to be represented by counsel, or by some other authorized representative.~~
- e) ~~The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.905 Pre-Hearing Conferences (Repealed)

- a) ~~Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:~~
- 1) ~~Simplify the factual and legal issues presented by the hearing request;~~
 - 2) ~~Receive stipulations, admissions of fact and of the contents and authenticity of documents;~~
 - 3) ~~Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and~~
 - 4) ~~Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.~~
- b) ~~Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all of the parties.~~

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(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.906 Burden and Standard of Proof (Repealed)

~~The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.907 Default (Repealed)

~~If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 200.903. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the party's control.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.908 Evidence (Repealed)

- a) ~~Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.~~
- b) ~~Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice~~

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~~of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.909 Briefs (Repealed)

~~The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within ten (10) days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.910 Hearing Officer's Decision (Repealed)

- a) ~~At the conclusion of all hearings conducted under this Subpart, the Hearing Officer shall issue proposed findings of fact, conclusions of law and a recommended final administrative decision for submittal to the Director.~~
- b) ~~In issuing his findings, conclusions and recommendation, the Hearing Officer shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. Such findings, conclusions and recommendation may include remedies in addition to or different from those originally sought if they are supported by the evidence.~~
- e) ~~The provisions of subsection (b) above shall not apply when the findings, conclusions and recommendation are issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.911 Final Administrative Decision (Repealed)

- a) ~~The Director shall issue a final administrative decision within 30 days after receiving the hearing officer's proposed findings of fact, conclusions of law and recommended final administrative decision.~~

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- b) ~~In issuing his final administrative decision, the Director shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. Such final administrative decision may include remedies in addition to or different from those originally sought if they are supported by the evidence.~~
- e) ~~The provisions of subsection (b) above shall not apply when the final administrative decision is issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.912 Administrative Fines (Repealed)

- a) ~~Administrative fines shall only be assessed against license and certificate holders for acts or omissions that constitute violations of the Act and of this Part. Administrative fines shall not be assessed against any applicant or holder of a license or certificate based solely upon a failure to satisfy the requirements for the issuance of a license or storage certificate.~~
- b) ~~The Department shall determine whether or not to assess administrative fines against license or certificate holders based upon the following factors:~~
- ~~1) the license or certificate holder's history of previous violations;~~
 - ~~2) the seriousness of the violation;~~
 - ~~3) the degree of culpability of the license or certificate holder; and~~
 - ~~4) evidence of any additional conditions or factors in aggravation or mitigation of the violation.~~
- e) ~~All fines assessed by the Department shall be computed as follows:~~
- ~~1) Administrative violations, including, but not limited to, the failure to properly keep records, failure to make required inspections, and failure to submit required reports to the Department in a timely fashion shall result~~

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~~in the assessment of a fine of up to \$100 for the first offense, up to \$250 for the second offense and up to \$500 for the third and any subsequent offenses. Notwithstanding these limitations, if the violation resulted in a threat of serious and immediate injury to persons or property, and the Department makes a finding to that effect, then the provisions of subsection (c)(3) below shall apply.~~

- ~~2) Violations of the requirements for the possession, handling, use, storage, and transfer of explosive materials not involving a threat of serious or immediate injury to persons or property, including, but not limited to, failure to properly maintain and repair magazines and their premises, failure to properly transport explosive materials and failure to take proper security and safety precautions in the handling and storage of explosive materials, shall result in the assessment of a fine of up to \$250 for the first offense, up to \$500 for the second offense, and up to \$1,000 for the third and any subsequent offenses.~~
- ~~3) Violations of the requirements for the possession, handling, use, storage and transfer of explosive materials which result in a threat of immediate and serious injury to persons or property shall result in an assessment of a fine of up to \$1,000 for the first offense and up to \$5,000 for the second and any subsequent offense.~~
- ~~d) For violations described in subsection (c)(3) above, an administrative fine shall not be the exclusive disposition of any disciplinary action for the second and any subsequent violation.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.913 Immediate Suspension Without Notice of Hearing (Repealed)

- ~~a) Whenever the Department finds, based upon reasonable belief from on-site observation, record inspection by Department personnel, information received from law enforcement personnel or information received from the public, that a license or certificate holder's violation of the Act or this Part may cause death or serious injury, the Department shall issue an order immediately suspending the license or certificate.~~
- ~~b) The Department shall serve its order of immediate suspension of a license or~~

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~~certificate under this Section by personal service. Such order shall also be sent by certified mail to the license or certificate holder's last known address.~~

- e) ~~The Department shall serve with the order of immediate suspension a notice containing the information set forth in Section 200.900(a) through (d) of this Part. The notice will also inform the license or certificate holder that the failure to request a hearing in accordance with Section 200.900(e) of this Part shall result in the automatic issuance of a final administrative decision revoking the license or certificate.~~
- d) ~~Any occurrence of a violation described in Section 200.912(e)(3) of this Part constitutes grounds for the immediate suspension of a license or certificate. A second or subsequent occurrence of a violation described in Section 200.912(e)(3) of this Part requires the Department to immediately suspend a license or certificate.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.914 Computation of Time (Repealed)

- a) ~~Except as otherwise provided, computation of time under this Subpart is based upon calendar days.~~
- b) ~~In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday, or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.~~
- e) ~~Intermediate Saturdays, Sundays, and legal holidays are excluded from the computation of time when the prescribed time period is 7 days or less.~~
- d) ~~A business day is any day the Department is open for business.~~

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.915 Inspections by the Department

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- a) Explosives licensees, temporary explosives licensees and storage certificate holders shall make all required records available to authorized representatives of the Department and shall permit their facilities to be inspected by representatives of the Department.
- b) The Department shall conduct inspections of explosives facilities as follows:
- 1) Upon receipt of an original, renewal or modification storage certificate application; or
 - 2) At such other times and conditions as the Department deems appropriate. Inspections may be conducted randomly without prior notice.
- c) All Department employees shall inform the person or the person's designated representative, if either is present, upon arrival at the inspection site.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.920 Enforcement Actions

- a) Pursuant to Sections 2011, 3002, 3004 and 5001 of the Act, the Department is authorized to take the following enforcement actions:
- 1) refuse to issue or renew an explosives license, a temporary explosives license or a storage certificate, as set forth in Subparts B and C;
 - 2) suspend or revoke an explosives license, a temporary explosives license or a storage certificate with notice of a hearing;
 - 3) summarily suspend or revoke an explosives license, a temporary explosives license or a storage certificate without notice of a hearing wherever the Department finds that a condition or practice exists **that** could reasonably be expected to cause death, serious physical harm or property damage;
 - 4) cancellation of a storage certificate for storage of explosive materials in excess of the amount authorized by the certificate or change in physical conditions surrounding the magazine, as set forth in Subpart I;

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- 5) imposition of fines not to exceed \$5,000 per occurrence;
 - 6) issuance of a notice of violation;
 - 7) imposition of temporary or permanent conditions on a license or storage certificate; and
 - 8) any other disciplinary action the Department may deem proper.
- b) Term of Suspension or Revocation
In those instances in which the Department suspends or revokes a license or certificate, the term of the suspension or revocation shall not exceed 5 years.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.925 Notice of Violation

- a) An authorized representative of the Department shall issue a notice of violation if it is determined that any person is in violation of the Act, this Part or any term or condition of any explosives license or storage certificate.
- b) A notice of violation issued under this Section shall be in writing, shall be signed by the authorized representative who issued it, and shall set forth with reasonable specificity:
 - 1) The nature of the violation;
 - 2) Statutory citations and/or administrative regulations violated;
 - 3) If any remedial action is required or possible, any interim steps;
 - 4) If remedial action is required, a reasonable time for abatement, including time for accomplishment of interim steps and for completion of all actions necessary to address the violation;
 - 5) A reasonable description of the statutory provisions to which the notice of violation applies.

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- c) A notice of violation shall be served upon the person or an agent of the person, if either is present on site. If the person, or person's agent, is not present, the notice of violation shall be sent by certified mail to the person's address. The notice of violation shall be considered served when personally delivered or mailed.
- d) The person issued the notice of violation may provide the Department a written response to the violations within 14 days after the delivery or mailing of the notice. The written response may include a proposed alternative to the Department's specified remedial action, if any, needed to abate the violations. The Department shall consider any information submitted in determining the facts surrounding the violation and the amount of the penalty.
- 1) The written response shall be submitted to the:
- Illinois Department of Natural Resources
Office of Mines and Minerals
Mine Safety and Training Division
One Natural Resources Way
Springfield IL 62702-1271
- 2) The response must be postmarked or hand delivered by the 14th day after delivery or mailing of the notice of violation.
- e) A notice of violation issued under this Section shall continue in effect until modified, vacated or terminated by the Department. Termination shall not affect the right of the Department to assess civil penalties for those violations in accordance with Section 200.930(b)(2). A notice of violation can only be terminated when all abatement action required by the Department has been completed.
- f) A notice of violation may be modified, vacated or terminated in writing by either:
- 1) An authorized representative of the Department; or
- 2) The issuance of a Decision by the Director, or designee, pursuant to Section 200.930(d); or
- 3) The issuance of a final administrative decision by the Director in accordance with Subpart K.

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(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.930 Office of Mines and Minerals Director's Decision

- a) After the 14 day requirement in Section 200.925(d) has elapsed, the Director, or a designee, shall review the notice of violation and any response from the alleged violator and shall affirm, **modify or** vacate the notice of violation in writing.
- b) Modification of the notice of violation by the Director may include:
- 1) any different or additional remedial actions necessary to abate the violation and the time within which the violation must be abated;
 - 2) the assessment of civil penalties;
 - 3) probationary or permanent modification or conditions on the explosives license, temporary explosives license or storage certificate;
 - 4) the time set for abatement or for accomplishment of an interim step, **which may be extended due to the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued; and**
 - 5) other disciplinary action, including suspension or revocation of the explosives license, temporary explosives license or storage certificate; and
 - 6) termination of the violation (when all abatement action required by the Department has been completed).
- c) Inability to Comply
- 1) No notice of violation issued under this Part may be vacated because of an inability to comply.
 - 2) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under subsection (d).

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- d) The Director's Decision shall be served personally or mailed by certified mail, return receipt requested, to the violator's last known address within 60 days after the issuance of the notice of violation. The Director's Decision affirming, vacating or modifying the notice of violation shall be considered served when either served personally on the violator or received by certified mail, return receipt requested, to the person at his or her last known address. The Director's Decision shall include:
- 1) the specific grounds upon which the Director's Decision is based;
 - 2) the action the Department intends to take, including the amount of any fine the Department intends to impose;
 - 3) a statement that the recipient may request a hearing to contest the Department's action by filing a written request for hearing within 30 days after the decision is mailed. Filing of the request for hearing shall be deemed complete upon its receipt by the Department, as evidenced by the date upon which the Department's mail receipt stamp appears on the request for hearing;
 - 4) a statement that the person named in the notice has the right to request a hearing to contest the facts of the violations alleged by the Department within 30 days from the date he or she received the Director's Decision, and a statement that recipient's failure to make a written request for hearing within 30 days after the date the Director's Decision is mailed/personally served personally will constitute a waiver of the recipient's rights to contest the action and will result in the Director's Decision becoming a final administrative decision affirming the Department's action, which shall be conclusively presumed to be correct.
- e) A Director's Decision not contested within 30 days after service shall become a final administrative decision of the Department under Section 5008 of the Act. The filing of a request for hearing shall not operate as a stay of the Director's Decision.
- f) If the Director's Decision includes the assessment of a fine, and the person named in the Director's Decision does not request a hearing in accordance with subsection (e), the amount assessed shall be paid to the Department in full within

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30 days after service of the Director's Decision. If a hearing is requested, any civil penalty assessment shall be paid within 30 days after the final administrative or judicial decision.

- g) All administrative fines assessed and paid to the Department shall be deposited in the Explosives Regulatory Fund.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.935 Process for Assessment of Fines

- a) The Department may assess a penalty for each notice of violation. The civil penalty shall be determined as provided in this Section, considering the person's history of violations, plus the seriousness of the violation, plus the degree of culpability. All fines imposed under the Act and this Section shall be in accordance with this Part.
- 1) The Person's History of Previous Violations. For purposes of determining the history of violations, the Department shall consider only those violations that have a Department's final administrative decision or a final judicial decision affirming the final administrative decision occurring within a 10 year period.
- A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department pursuant to Subpart K or if the time to request a review has not expired. Thereafter, it shall be counted for a 10 year period after the date of the Department's final administrative decision or a final judicial decision affirming the final administrative decision;
- B) No violation for which the notice has been vacated shall be counted;
- C) History of Violations
- i) First violation of the rule, assess \$100.
- ii) Second violation of the same rule within a 10 year period from the date of issuance of the first violation, assess \$250.

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- iii) Third and subsequent violations of the same rule within a 10 year period from the date of issuance of the first violation, assess \$500.
- 2) The Seriousness of the Violation
 - A) If the violation caused or could have been expected to cause injury or damage to property, add \$0 to \$1,000.
 - B) If the violation caused or could be expected to cause death, **personal injury requiring medical attention** or damage to property, add \$1,000 to \$3,500.
- 3) The Degree of Culpability of the Person
 - A) If the violation occurred even though the person used reasonable care, add \$0.
 - B) If the violation occurred due to the person's failure to use reasonable care, add \$0 to \$250.
 - C) If the violation occurred as a result of the person's willful, reckless or deliberate conduct, add \$250 to \$1,000.
- b) When the Department issues a Notice of Violation for an incident or Violation with no determination of culpability, an administrative fine will not necessarily be assessed. The Department may impose any penalty that is authorized under law for any violation of the Act or this Part.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.940 Immediate Suspension or Revocation of License or Storage Certificate

- a) Whenever the Department finds, based upon a reasonable belief from on-site observation, record inspection by Department personnel, information received from law enforcement personnel, information received from the public, or information obtained in any other manner, that a licensee's or certificate holder's violation of the Act or this Part may cause or could be expected to cause death or

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serious injury to persons or damage to property, the Department may issue an order immediately suspending or revoking the explosives license, temporary explosives license or storage certificate.

- b) The Department shall serve its order of immediate suspension or revocation of an explosives license, a temporary explosives license or a storage certificate under this Section either personally or by certified mail to the licensee's or certificate holder's last known address. The immediate suspension or revocation order shall be considered served when personally delivered or on the date that it was mailed.
- c) The Department shall serve, with the order of immediate suspension or revocation, a notice containing the following information:
- 1) The specific grounds upon which the explosives license, temporary explosives license or storage certificate suspension or revocation is based;
 - 2) The abatement action required, conditions or other disciplinary action imposed, including the assessment of fines pursuant to Section 200.920(a)(5);
 - 3) A statement that the recipient may request a hearing to contest the suspension or revocation by filing a written request for hearing in accordance with Section 200.930(f) within 30 days after the notice is mailed;
 - 4) A statement that the recipient's failure to make a written request for hearing within 30 days after the notice is mailed will constitute a waiver of the recipient's rights to contest the action. The suspension or revocation notice will then become the final administrative decision of the Department, affirming the Department's action.
- d) The filing of a request for hearing shall not operate as a stay of the order of immediate suspension or revocation.
- e) Any occurrence of a violation described in subsection (a) constitutes grounds for the immediate suspension or revocation of a license or certificate. A second or subsequent occurrence of such a violation within a one year period will require the Department to immediately suspend or revoke a license or certificate.

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(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.945 Disposal of Explosives; Surrender or Seizure of License or Certificate

- a) Within 10 days after the cancellation, suspension or revocation of a storage certificate, all explosive materials shall be removed from the magazine covered by the storage certificate and disposed of in accordance with the manufacturer's instructions or relocated to an approved magazine with a valid storage certificate. Verification of the disposal or relocation shall be made to the Department within 24 hours after the action taken.
- b) Upon the suspension or revocation of any license or certificate, the holder shall immediately surrender the license or certificate to the Department. If the holder fails to do so, the Department has the right to seize the explosives license, temporary explosives license or storage certificate through its agents or local law enforcement personnel. If summary action under Section 5006 of the Act is taken by the Department, the Department shall have the right to seize the explosives license, temporary explosives license or storage certificate immediately upon issuance of its order.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS**Section 200.1000 Notice of Department's Intended Action; Contents and Service**

Whenever the Department intends to refuse to issue or renew, to suspend or revoke, or to assess administrative fines against a holder of an explosives license, a temporary explosives license or a storage certificate, the Department shall give written notice to the applicant or holder personally or by certified mail sent to the applicant's or holder's last known address.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1005 Request for Hearing on Department's Intended Action; Contents and Service

The request for a hearing shall be in writing, shall admit or deny matters alleged by the Department, and may include any related explanatory information. The request for hearing shall be delivered personally or by mail sent to the Department at the address indicated in the notice.

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(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1010 Notice of Hearing

- a) Written notice setting forth the date, time, place and nature of the hearing, and the name and address of the hearing officer, shall be mailed, by certified mail, to an applicant or holder making a timely written request for hearing at least 14 days prior to the scheduled hearing date.
- b) The hearing proceedings shall be commenced within 30 days after receipt of the request for hearing, unless the hearing is continued for good cause at the request of any party.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1015 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the hearing officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1020 Hearing Officer; Powers and Duties

The Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules apply to administrative hearings under this Part.

- a) The hearing officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including to:

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- 1) administer oaths and affirmations;
 - 2) receive relevant evidence;
 - 3) regulate the course of the hearing and the conduct of the parties and their counsel;
 - 4) consider and rule upon procedural requests;
 - 5) hold conferences for the settlement or simplification of the issues;
 - 6) examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and
 - 7) authorize reasonable discovery by a party.
- b) All participants in the hearing shall have the right to be represented by counsel, and corporations shall be represented by an attorney. (See 705 ILCS 220.)
- c) The hearing officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1025 Subpoenas

- a) Any party to proceedings brought under Subpart J may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.
- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.
- c) The hearing officer shall issue subpoenas within 7 calendar days from the receipt of a request made in accordance with subsection (b) and deliver the subpoena to the applicant who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall

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respond to any lawful subpoena of which he or she has actual knowledge, if payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his or her authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a check or money order for the fee and mileage enclosed.

- d) Any party served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting that relief.
- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from the receipt of the motion.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1030 Record of Proceedings

The Department or party requesting a hearing may provide a reporter to take down the testimony and preserve a record of all proceedings at any hearing conducted under this Part. The cost of the reporter shall be at the expense of the party requesting the reporter. Copies of the transcript may be purchased from the reporter and each party bears the cost to purchase a copy.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1035 Pre-Hearing Conference

- a) Upon his or her own motion or the motion of a party, the hearing officer shall direct the parties or their counsel to conduct a pre-hearing conference in order to:
- 1) Simplify the factual and legal issues presented by the hearing request;
 - 2) Receive stipulations and admissions of fact and of the contents and authenticity of documents;

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- 3) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - 4) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
- b) Pre-hearing conferences may be held by telephone conference at the discretion of the hearing officer.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1040 Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1045 Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of that party. If the failure to appear at the pre-hearing conference or hearing is due to an emergency situation beyond the party's control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the party's control.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1050 Evidence

- a) Admissibility: A party shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but a presiding hearing officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious.

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The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a hearing officer shall allow evidence to be received in written form.

- b) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1055 Brief

The hearing officer may require or allow parties to submit written briefs within 10 days after the close of the hearing or within such other time the hearing officer determines is consistent with the Department's responsibility for an expeditious decision.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1060 Hearing Officer's Decision

- a) Within 45 days after default, failure to request a hearing or at the conclusion of all hearings conducted under this Subpart, the hearing officer shall issue proposed findings of fact, conclusions of law and a recommended final administrative decision for submittal to the Director.
- b) In issuing his or her findings, conclusions and recommendation, the hearing officer shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. The findings, conclusions and recommendation may include remedies in addition to or different from those originally sought if they are supported by the evidence.
- c) The provisions of subsection (b) shall not apply when the findings, conclusions and recommendation are issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases, the

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Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1065 Final Administrative Decision

- a) The Director shall issue a final administrative decision pursuant to Section 5008 of the Act within 30 days after receiving the hearing officer's proposed findings of fact, conclusions of law and recommended final administrative decision.
- b) In issuing his [or her](#) final administrative decision, the Director shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. [The](#) final administrative decision may include remedies in addition to or different from those originally sought if they are supported by the evidence.
- c) The provisions of subsection (b) shall not apply when the final administrative decision is issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases, the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.
- d) [Final administrative decisions are subject to the Illinois Administrative Review Law \[735 ILCS 5/Art. III\].](#)

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1070 Immediate Suspension Without Notice of Hearing

- a) Whenever the Department finds, based upon reasonable belief from on-site observation, record inspection by Department personnel, information received from law enforcement personnel or information received from the public, that an explosives licensee's, a temporary explosives licensee's or a storage certificate holder's violation of the Act or [this Part](#) may cause death, serious injury or property damage, the Department shall issue an order immediately suspending the license or certificate.

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- b) The Department shall serve its order of immediate suspension of a license or certificate under this Section by personal service. The order shall also be sent by certified mail to the licensee's or certificate holder's last known address.
- c) The Department shall serve an order of immediate suspension and a notice containing the information set forth in Section 200.1010. The notice will also inform the explosives license holder, the temporary explosives license holder or the storage certificate holder that the failure to request a hearing in accordance with Section 200.1005 of this Part shall result in the automatic issuance of a final administrative decision revoking the license or certificate.
- d) Any occurrence of a violation of this Part constitutes grounds for the immediate suspension of a license or certificate. A second or subsequent occurrence of a violation requires the Department to immediately suspend a license or certificate.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1075 Computation of Time

- a) Except as otherwise provided, computation of time under this Subpart is based upon calendar days.
- b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.
- c) Saturdays, Sundays and legal holidays that fall within the prescribed time period are excluded from the computation of time when the prescribed time period is 7 days or less.
- d) A business day is any day the Department is open for business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 200.APPENDIX A American Table of Distances for Storage of Explosive Materials

QUANTITY OF EXPLOSIVE MATERIALS		DISTANCES IN FEET							
		Inhabited Buildings		Public Highways Class A to D		Passenger Railways – Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248

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40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270

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50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

EXPLANATORY NOTES ESSENTIAL TO THE APPLICATION
OF THE AMERICAN TABLE OF DISTANCES FOR
STORAGE OF EXPLOSIVE MATERIALS

NOTE 1 – "Explosive materials" means explosives, blasting agents and detonators.

NOTE 2 – "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of "18 USC, S.C. Chapter 40, Importation, Manufacturer, Distribution and Storage of Explosive Materials" is issued at least annually by the Director of the Bureau of Alcohol, Tobacco, and Firearms and Explosives of the U.S. Department of Justice ~~the Treasury~~. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

NOTE 3 – "Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive. ~~However, -Provided, That~~ the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

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NOTE 4 – "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps ~~that~~^{which} use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 $\frac{2}{3}$ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

NOTE 5 – "Magazine" means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

NOTE 6 – "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding ~~exposures that~~^{exposures which} require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 7 – "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 – "Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point ~~12~~^{twelve} feet above the center of a railway or highway shall pass through ~~the~~^{such} barrier.

NOTE 9 – "Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NOTE 10 – "Railway" means any steam, electric, or other railroad or railway ~~that~~^{which} carries passengers for hire.

NOTE 11 – "Highway" means any public street, public alley, or public road. ~~"Public Highways Class A to D" are highways with average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbett, Vol. 1, Table 46, Sec. 3-74, 1956 Edition, John Wiley and Sons).~~

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NOTE 12 – When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways; and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of ~~thosesaid~~ detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then ~~thosesuch two or more~~ magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 13 – Storage in excess of 300,000 lbs. of explosive materials; in one magazine is generally not required for commercial enterprises.

NOTE 14 – This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident to the transportation, handling or storage thereto. It is not intended to apply to bombs, projectiles; or other heavily encased explosives.

NOTE 15 – When a manufacturing building on an explosive materials plant site is designed to contain explosive materials, the building shall be located away from inhabited buildings, public highways and passenger railways in accordance with the American Table of Distances based on the maximum quantity of explosive materials permitted to be in the building at one time.

(NOTE: The American Table of Distances ~~for~~ For Storage of Explosive Materials and accompanying Explanatory Notes are copyrighted materials reproduced with the permission of the Institute of Makers of Explosives. The notes contained in this Appendix are meant to supplement, and not supersede, the regulations contained in this Part. When wording differs between the regulations and these explanatory notes, the regulations shall govern for enforcement purposes.)

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

DEPARTMENT OF NATURAL RESOURCES

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Section 200.APPENDIX C Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents¹

<u>Donor weight</u>		<u>Minimum separation distance of receptor when barricaded² (ft.)</u>		<u>Minimum thickness of artificial barricades⁵ (in.)</u>
<u>Pounds over</u>	<u>Pounds not over</u>	<u>Ammonium nitrate³</u>	<u>Blasting agent⁴</u>	
	<u>100</u>	<u>3</u>	<u>11</u>	<u>12</u>
<u>100</u>	<u>300</u>	<u>4</u>	<u>14</u>	<u>12</u>
<u>300</u>	<u>600</u>	<u>5</u>	<u>18</u>	<u>12</u>
<u>600</u>	<u>1,000</u>	<u>6</u>	<u>22</u>	<u>12</u>
<u>1,000</u>	<u>1,600</u>	<u>7</u>	<u>25</u>	<u>12</u>
<u>1,600</u>	<u>2,000</u>	<u>8</u>	<u>29</u>	<u>12</u>
<u>2,000</u>	<u>3,000</u>	<u>9</u>	<u>32</u>	<u>15</u>
<u>3,000</u>	<u>4,000</u>	<u>10</u>	<u>36</u>	<u>15</u>
<u>4,000</u>	<u>6,000</u>	<u>11</u>	<u>40</u>	<u>15</u>
<u>6,000</u>	<u>8,000</u>	<u>12</u>	<u>43</u>	<u>20</u>
<u>8,000</u>	<u>10,000</u>	<u>13</u>	<u>47</u>	<u>20</u>
<u>10,000</u>	<u>12,000</u>	<u>14</u>	<u>50</u>	<u>20</u>
<u>12,000</u>	<u>16,000</u>	<u>15</u>	<u>54</u>	<u>25</u>
<u>16,000</u>	<u>20,000</u>	<u>16</u>	<u>58</u>	<u>25</u>
<u>20,000</u>	<u>25,000</u>	<u>18</u>	<u>65</u>	<u>25</u>
<u>25,000</u>	<u>30,000</u>	<u>19</u>	<u>68</u>	<u>30</u>
<u>30,000</u>	<u>35,000</u>	<u>20</u>	<u>72</u>	<u>30</u>
<u>35,000</u>	<u>40,000</u>	<u>21</u>	<u>76</u>	<u>30</u>
<u>40,000</u>	<u>45,000</u>	<u>22</u>	<u>79</u>	<u>35</u>

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<u>45,000</u>	<u>50,000</u>	<u>23</u>	<u>83</u>	<u>35</u>
<u>50,000</u>	<u>55,000</u>	<u>24</u>	<u>86</u>	<u>35</u>
<u>55,000</u>	<u>60,000</u>	<u>25</u>	<u>90</u>	<u>35</u>
<u>60,000</u>	<u>70,000</u>	<u>26</u>	<u>94</u>	<u>40</u>
<u>70,000</u>	<u>80,000</u>	<u>28</u>	<u>101</u>	<u>40</u>
<u>80,000</u>	<u>90,000</u>	<u>30</u>	<u>108</u>	<u>40</u>
<u>90,000</u>	<u>100,000</u>	<u>32</u>	<u>115</u>	<u>40</u>
<u>100,000</u>	<u>120,000</u>	<u>34</u>	<u>122</u>	<u>50</u>
<u>120,000</u>	<u>140,000</u>	<u>37</u>	<u>133</u>	<u>50</u>
<u>140,000</u>	<u>160,000</u>	<u>40</u>	<u>144</u>	<u>50</u>
<u>160,000</u>	<u>180,000</u>	<u>44</u>	<u>158</u>	<u>50</u>
<u>180,000</u>	<u>200,000</u>	<u>48</u>	<u>173</u>	<u>50</u>
<u>200,000</u>	<u>220,000</u>	<u>52</u>	<u>187</u>	<u>60</u>
<u>220,000</u>	<u>250,000</u>	<u>56</u>	<u>202</u>	<u>60</u>
<u>250,000</u>	<u>275,000</u>	<u>60</u>	<u>216</u>	<u>60</u>
<u>275,000</u>	<u>300,000</u>	<u>64</u>	<u>230</u>	<u>60</u>

NOTES TO TABLE OF RECOMMENDED SEPARATION DISTANCES
OF AMMONIUM NITRATE AND BLASTING AGENTS
FROM EXPLOSIVES OR BLASTING AGENTS

NOTE 1 – Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor". Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

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NOTE 2 – When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like that may enclose the donor. When storage is in bullet-resistant magazines recommended for explosives or when the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances (Appendix A) are not required.

NOTE 3 – The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the Fertilizer Institute and ammonium nitrate failing to pass the test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

NOTE 4 – These distances apply to blasting agents that pass the insensitivity test prescribed in regulations of USDOT and ATF.

NOTE 5 – Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the donor when the trees are bare of leaves, are also acceptable.

NOTE 6 – For determining the distances to be maintained from inhabited buildings, passenger railways and public highways, use the American Table of Distances for Storage of Explosive Materials (Appendix A).

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.APPENDIX A Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-103(5) & (8), 625 ILCS 5/6-106(b)
- 5) Effective Date of Rulemaking: September 1, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in *Illinois Register*: 37 Ill. Reg. 6630; May 17, 2013
- 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? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.1	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.5	Renumbered; Amended	37 Ill. Reg. 13339; August 16, 2013
1030.6	New Section	37 Ill. Reg. 13339; August 16, 2013
1030.7	New Section	37 Ill. Reg. 13339; August 16, 2013
1030.11	Renumbered	37 Ill. Reg. 13339; August 16, 2013
1030.14	Amendment	37 Ill. Reg. 13339; August 16, 2013

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1030.65	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.86	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.89	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.90	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.115	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.APPENDIX A	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.APPENDIX B	Amendment	37 Ill. Reg. 13339; August 16, 2013
1030.APPENDIX C	New Section	37 Ill. Reg. 13339; August 16, 2013

- 15) Summary and Purpose of Rulemaking: Every applicant for a driver's license is asked, and is required to answer, seven questions ranging from whether the applicant holds a driver's license in another state to their ability to safely operate a motor vehicle. These questions are intended to ensure the Secretary of State does not issue a driver's license to any person who is prohibited from being licensed under Section 5/6-103 of the Illinois Vehicle Code.

The Secretary of State received a request from a legal aid organization to modify question four of the application so that it is more narrowly tailored to an applicant's ability to safely drive. Question four is meant to ensure compliance with 6-103(5). Question seven of the application is meant to ensure compliance with 6-103(8). While this rulemaking does not incorporate the specific language suggested by the legal clinic, it does amend questions four and seven to more narrowly tailor each question to the specific provision of the Illinois Vehicle Code. Specifically, question four focuses on whether the applicant is under guardianship and question seven relates to the applicant's ability to safely drive a motor vehicle.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11,

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1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19,

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2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013.

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Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on or be provided with an application for a driver's license:

If you are applying for an Identification (ID) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10 and question 13; or for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.

- 1) Is your driver's license or ID card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a letter of clearance is required.)
- 2) Do you presently hold a valid driver's license or ID card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) ~~Are you currently under a court order of guardianship? (If yes, a medical report is required.) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)~~
- 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a signed medical agreement are required.)
- 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement and a signed medical agreement are required.)
- 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability ~~or has a court committed you to a mental health facility within the last four years?~~ (If yes, a ~~medical report is~~ physician's statement and a signed medical agreement may be required.)
- 8) Are your commercial driver's license privileges currently disqualified or subject to an out-of-service order?

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- 9) Do you certify that you meet the "Qualifications of Driver's" portion of Part 391 of the Federal Motor Carrier Safety Regulations? If no, indicate why you are not subject to these qualifications. _____

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants).

- 11) Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?
- 12) Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify that information?
- 13) Have you been licensed in any other state in the last 10 years?

(Source: Amended at 37 Ill. Reg. 14176, effective September 1, 2013)

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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) Section Numbers: Adopted Action:
2700.315 Amendment
2700.770 Amendment
- 4) Statutory Authority: 40 ILCS 5/24
- 5) Effective Date of Rulemaking: August 23, 2013
- 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*: June 14, 2013; 37 Ill. Reg. 7880
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Notice Version: There is no difference between proposal and final notice version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments will make the set of suitable grounds for hardship distributions in line with industry standard as well as the circumstances set forth by the Internal Revenue Code and related Treasury Regulations. In addition, these amendments will clarify the amount available for a participant to take as a loan, consistent with the Internal Revenue Code.

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

Linsey Schoemehl
General Counsel/Chief Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago IL 60610

312/793.1486
Linsey.schoemehl@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE 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. 17518, effective January 1, 2013; amended at 37 Ill. Reg. 14184, effective August 23, 2013.

SUBPART C: ADMINISTRATION

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;
- 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;~~ payment for the burial or funeral expenses for the parent, spouse and/or qualifying dependent of the Participant;

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- ~~23~~) costs associated with preventing eviction from, or foreclosure on the mortgage of, the Participant's primary residence;
- ~~34~~) 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;
- ~~45~~) 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~~
- ~~57~~) 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 1.457-6 (2012), resulting from a 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;

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- 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 37 Ill. Reg. 14184, effective August 23, 2013)

SUBPART G: DISTRIBUTIONS

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) A Participant may initiate a Loan by contacting the Recordkeeper and filling out a loan application. Once a Loan is approved by the Recordkeeper, the Participant shall execute a promisory note in a form prescribed by the Recordkeeper.
- c) 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 reduced by the highest outstanding balance of loans from all qualified Employer plans from the preceding 12 months; or
 - B) one-half of the present value of the Participant's Account Balance.

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- d) 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).
- e) All Loans shall be repaid over a non-renewable repayment period between one and five years. A participant may pay off the Loan amount in full prior to the end of the repayment period by requesting a payoff amount from the Recordkeeper. Once the Recordkeeper has provided the Participant with a payoff figure, the Participant has 30 days in which to make the payment in one single installment via certified check or money order.
- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) 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.
- k) 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.

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- l) 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.
- m) 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.
- n) 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 appeal, that shall be binding on all parties.
- o) If an appeal for a Loan is approved, the Loan shall be made and repaid in accordance with this Section.
- p) Loan Initiation Service Policies
 - 1) The Plan's Loan policies shall be entered into the Recordkeeper's system; Loan processing will be implemented in accordance with this Section. Any changes to the Plan's Loan program must be communicated in writing to the Recordkeeper at least 30 business days in advance of the effective date of any change to this subsection (p).
 - 2) A Participant may initiate a Loan by speaking to a representative of the Recordkeeper or by accessing the Recordkeeper's website. If the Participant meets the Plan rules for loan eligibility and certifies that no other loan is outstanding across all affiliated retirement plans through the State of Illinois and the highest outstanding loan balance of each loan in the last 12 months for any affiliated retirement plan loan, then the Recordkeeper shall permit the Participant to initiate a Loan based upon the information certified by the Participant.
 - A) If a Participant's Account contains investments that access redemption fees on Loans, the redemption fee will be deducted

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from the Participant's Account and will not offset the Loan amount.

- B) In order to receive a Loan, the Participant will be required to provide the Recordkeeper with banking information in order to set up an ACH debit for Loan repayment. In addition, the Participant must agree to the terms and conditions of the ACH debit, as provided by the Recordkeeper.
 - C) The Participant's banking information will go through a pre-note process in order to validate the accuracy of the account information. If the account is rejected as a result of the pre-note process, the Participant will be notified: the Loan will be processed and the Participant will be required to provide revised banking information.
 - D) Participants will be permitted to investigate a Loan even if they are not eligible to initiate a Loan.
- 3) Loans may not be refinanced.
 - 4) If the Loan initiation is confirmed prior to the earlier of 4 p.m. Eastern Standard Time or the close of the New York Stock Exchange, the Participant's Account will reflect the Loan issue that same day. If the Loan initiation is confirmed after the close of the New York Stock Exchange, the Participant's Account will reflect the Loan issue the following business day.
 - 5) A Loan origination fee will be extracted from the Participant's Account at the time of the redemption and will not offset the Loan amount.
 - 6) A Loan check will be generated and mailed to the Participant's address of record within 2 business days from the date of issue.
 - 7) Each month, the Recordkeeper will provide the Board with a report detailing the Participants who have initiated Loans.
 - 8) Scheduled Loan Repayments:

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- A) The Recordkeeper's bank is instructed to debit the Loan repayment amount from the applicable Participant's banking account based upon the ACH debit information provided during the Loan initiation. The first Loan repayment amount will be debited on the first day of month following the Loan issue date plus 10 days and every first of the month thereafter (the debit date).
 - B) The Recordkeeper will apply the debited amount to the Participant's Loan on the fifth business day following the debit date.
 - C) If a Loan repayment is not successfully debited from the Participant's banking account, the Recordkeeper will notify the Participant and the Participant will be required to take one of the following actions prior to the quarter following the quarter of the missed Loan repayment (the cure period): immediately pay the total amount of any rejected Loan repayments; pay the rejected Loan repayment on the next scheduled repayment date, along with the next scheduled repayment amount; or pay the entire remaining Loan balance in full. In order to avoid a Loan default, processing of the elected repayment method must occur prior to the end of the cure period. If the Participant does not take action on the rejected Loan repayment, the next scheduled payment will be processed on the next scheduled Loan repayment date.
 - D) The Loan repayment amount shall be invested in accordance with the Participant's current investment election on file with the Recordkeeper.
- 9) Through the Recordkeeper's website, Participants will have the ability to view their Loan repayment history; receive notifications regarding insufficient funds or invalid banking information; edit the banking information on file with the Recordkeeper; and elect to receive email alerts regarding upcoming Loan repayments.

(Source: Amended at 37 Ill. Reg. 14184, effective August 23, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.523 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Emergency Rulemaking: August 20, 2013
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: August 20, 2013
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 98-104 authorizes the Department to adopt rules by emergency rulemaking. The emergency rulemaking is deemed necessary for the public interest, safety and welfare of Medicaid recipients.
- 10) Complete description of the subjects and issues involved: The emergency-proposed amendment is authorized by PA 98-104 and allows for bed reserve payments to ICF/DDs for therapeutic visits when a resident is 21 years of age or older.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.24	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.28	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.481	Amendment	37 Ill. Reg. 5243; April 26, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013
140.80	Amendment	37 Ill. Reg. 10941; July 19, 2013
140.492	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.493	Amendment	37 Ill. Reg. 12317; August 2, 2013
140.462	Amendment	37 Ill. Reg. 12637; August 16, 2013
140.539	Amendment	37 Ill. Reg. 13998; August 30, 2013

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- 12) Statement of Statewide Policy Objectives: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233
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The full text of the Emergency Rulemaking begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective

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December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective

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February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of

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150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg.

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2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July

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1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg.

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15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective

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July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves**EMERGENCY**

- a) Effective for dates of service on or after July 1, 2012, no payments for bed reserve days will be made to a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Rehabilitation Act [210 ILCS 48].
- b) Effective ~~July 22, 2013~~July 1, 2012, ICF/MR Facilities (including ICF/DD and SNF/Ped licenses)
 - 1) All bed reserves must:
 - A) be authorized by the interdisciplinary team (IDT); and

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- B) be limited to residents who desire to return to the same facility;
~~and~~
 - C) ~~be for persons who are under 21 years of age.~~
- 2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.
- 3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
- 4) ~~For persons who are under 21 years of age, payment~~Payment may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:
- A) 100% of a facility's current Medicaid per diem for the first 10 days of an admission to a hospital;
 - B) 75% of a facility's current Medicaid per diem for days 11 through 30 of the admission;
 - C) 50% of a facility's current Medicaid per diem for days 31 to 45 of the admission.
- 5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:
- A) 100% of a facility's current Medicaid per diem for a period not to exceed 10 days per State fiscal year;
 - B) 75% of a facility's current Medicaid per diem for a period which exceeds 10 days per State fiscal year.

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(Source: Amended by emergency rulemaking at 37 Ill. Reg. _____, effective August 20, 2013, for a maximum of 150 days)

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>
310.47	Amendment
310.50	Amendment
310.100	Amendment
310.APPENDIX A TABLE D	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 Sections 310.47, 310.50, 310.100 and 310.Appendix A Tables D and W to reflect two bargaining unit agreements.

CMS is amending Sections 310.47, 310.50, 310.100 and 310.Appendix A Table D to reflect the Agreement between the Departments of Central Management Services, Transportation, Human Services and Employment Security and Teamsters Local 700 Affiliated with the International Brotherhood of Teamsters Cook County effective July 1, 2012 through June 30, 2015 signed July 24, 2013. Effective July 1, 2013 and 2014, pay rates for all bargaining unit classes shall be raised 2%. Employees shall receive a one-time 2.25% stipend which will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a pro-rated stipend based upon their regular work schedule which will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. The in-hire rate for the Highway Maintainer title shall continue in effect as was amended to 75%. All classifications shall have a 75% in-hire rate for all employees hired July 24, 2013 or after. Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees in the in-hire rate progression will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to the full-scale rate of the next higher classifications, upon promotion.

CMS is amending Section 310.Appendix A Table W to reflect the Memorandum of Understanding between the American Federation of State, County and Municipal

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NOTICE OF PEREMPTORY AMENDMENTS

Employees (AFSCME) and the State of Illinois Department of Central Management Services for the State Mine Inspector-at-Large title positions at the Department of Natural Resources signed July 26, 2013. The State of Illinois Department of Central Management Services for the State Mine Inspector-at-Large title positions at the Department of Natural Resources are assigned to RC-062-21 effective April 19, 2013. On that same date, the Illinois Labor Relations Board issued a Certification of Representative (Case No. S-RC-12-004) for AFSCME and the RC-062 bargaining unit to exclusively represent the State Mine Inspector-at-Large title positions at the Department of Natural Resources.

- 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 23, 2013

- 7) A Complete Description of the Subjects and Issues Involved: In the table of contents, the heading for Section 310.47 is changed.

In Section 310.47, the heading is changed, the subsections headings are changed or added as needed, and negotiated in-hire rates are added.

In Section 310.50, the phrase in-hiring rate is changed to in-hire rate and the definition incorporates negotiated in-hire rate.

In Section 310.100 subsection (b)(1), in-hiring is changed to in-hire.

In Section 310.Appendix A Table D, rate tables effective July 1, 2012 and 2013 are added for full scale and in-hire rates. Out-of-date rate tables are removed. The clothing allowance becomes part of the Note to which is added stipend, temporary assignment and promotion.

In Section 310.Appendix A Table W, the State Mine Inspector-at-Large is added along with its title code, bargaining unit and pay grade to the title table.

- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 9) Date filed with the Index Department: August 23, 2013
- 10) This and other Pay Plan rulemakings 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.50	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.280	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.495	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.600	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.610	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.620	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.630	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.640	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.650	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.660	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.670	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.680	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.690	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix A Table A	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix A Table W	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix A Table Y	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix A Table AA	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix A Table AD	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table A	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table C	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table H	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table I	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table J	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table K	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table M	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table N	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table O	Repealed	37 Ill. Reg. 10740, July 19, 2013

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310.Appendix B Table P	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table R	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table S	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table T	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table V	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table W	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table X	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table Y	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table Z	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table AB	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table AD	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix B Table AE	Repealed	37 Ill. Reg. 10740, July 19, 2013
310.Appendix D	Amendment	37 Ill. Reg. 10740, July 19, 2013
310.Appendix G	Amendment	37 Ill. Reg. 10740, July 19, 2013

- 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 preemptory 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 Preemptory 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-Hire 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 Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section

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310.600	Jurisdiction
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 Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency 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 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)

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310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, 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) (Repealed)
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 Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency 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 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)

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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)
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 and Educator Trainees, 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) (Repealed)
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	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
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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.

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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; 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

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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 November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired 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,

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1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory

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

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

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

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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 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

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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. 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; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory 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; preemptory 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; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013.

SUBPART A: NARRATIVE

Section 310.47 ~~In-Hire~~In-Hiring Rate

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an ~~in-hire~~in-hiring rate receives less than the ~~in-hire~~in-hiring rate. The ~~in-hire~~in-hiring rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section

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310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).

- b) Request – An agency head may request in writing that the Director of Central Management Services approve or negotiate an in-hire~~in-hiring~~ rate. The in-hire rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated full scale rate, negotiated pay grade, merit compensation salary range or broad-band salary range. The in-hire rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire~~in-hiring~~ rate and the limitations are included in the agency request. An effective date may be included in the request.
- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title. Other factors may be included in the review and negotiation of negotiated in-hire rates.
- d) Approval or Negotiated –
- 1) Approval – The Director of Central Management Services indicates in writing the approved in-hire~~in-hiring~~ rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
 - 2) Negotiated – The Director of Central Management Services and the bargaining unit representative indicate in writing the in-hire rate(s) and effective date, which is either the date indicated in the agreement, the date of the agreement's signature or the beginning of the next pay period after the signatures are secured on the agreement.
- e) Implementation – In the classification title or within the limitations of the classification title and when the in-hire rate is above the normal minimum of the assigned salary range or pay grade, an employee paid below the in-hire~~in-hiring~~ rate receives the in-hire~~in-hiring~~ rate on the approved effective date. The in-hire~~in-hiring~~ rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-

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hire~~in-hiring~~ rate is approved by the Director of Central Management Services or negotiated by the Director of Central Management Services and the bargaining unit representative.

f) Approved or Negotiated In-Hire~~In-Hiring~~ Rates –

1) Assigned to a Classification~~pay grade or salary range~~ –

A) Approved and Assigned to a Pay Grade or Salary Range –

<u>Title</u>	<u>Pay Grade or Salary Range</u>	<u>Effective Date</u>	<u>In- Hire</u> In- Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	January 1, 2008	Step 3
Actuarial Examiner Trainee	RC-062-13	January 1, 2008	Step 4
Civil Engineer I	RC-063-15	January 1, 2008	Step 2
Commerce Commission Police Officer Trainee	MS-10	January 1, 2008	\$2,943
Correctional Officer	RC-006-09	January 1, 2008	Step 2
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 4
Environmental Engineer I Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 5
Financial Institutions Examiner Trainee	RC-062-13	January 1, 2008	Step 4
Insurance Company Financial Examiner Trainee	RC-062-13	January 1, 2008	Step 2
Internal Auditor Trainee	MS-09	January 1, 2008	Step 4
Revenue Special Agent Trainee	RC-062-14	January 1, 2008	\$2,854
Terrorism Research Specialist Trainee	RC-062-14	January 1, 2008	Step 2

B) Negotiated and Assigned to a Full Scale Rate – The full scale rates are located in Section 310. Appendix A Table D.

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<u>Title</u>	<u>Bargaining Unit of the Full Scale Rate</u>	<u>Effective Date</u>	<u>In-Hire Rate</u>
<u>Highway Maintainer</u>	<u>HR-001</u>	<u>November 1, 2009</u>	<u>75%</u>
<u>Building Services Worker</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Elevator Operator</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Grounds Supervisor</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Heavy Construction Equipment Operator</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Highway Maintenance Lead Worker</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Laborer (Maintenance)</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Maintenance Equipment Operator</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Maintenance Worker</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>
<u>Power Shovel Operator (Maintenance)</u>	<u>HR-001</u>	<u>July 24, 2013</u>	<u>75%</u>

- 2) ~~Based Assigned to a pay grade or salary range and based on the Position's Work Location or Employee's Credential or Residency~~ position's work location or employee's credential or residency –

<u>Title</u>	<u>Pay Grade or Salary Range</u>	<u>Location or Residency</u>	<u>Credential</u>	<u>Effective Date</u>	<u>In-Hire In-Hiring Rate</u>
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/ quarter work experience up to 8
Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month
Civil Engineer Trainee	NR-916	None identified	Master's degree	January 1, 2009	Add to minimum monthly rate \$60/month

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					for each year experience up to two years
Clinical Psychology Associate	RC-063-18	None identified	Completed doctoral dissertation	February 1, 2008	Step 3
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/ science curriculum (60 semester /90 quarter hours credit)	January 1, 2011 January 1, 2012	\$2,705 \$2,845
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/ science curriculum (90 semester/ 135 quarter hours credit)	January 1, 2011 January 1, 2012	\$2,600 \$2,730
Engineering Technician I, II, III and IV	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2011 January 1, 2012	\$2,830 \$2,975

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Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester/135 quarter hours credit)	January 1, 2011	\$2,830
				January 1, 2012	\$2,975
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/science curriculum (120 semester/ 180 quarter hours credit)	January 1, 2011	\$2,705
				January 1, 2012	\$2,845
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2011	\$2,945
				January 1, 2012	\$3,095

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Engineering Technician I, II, III and IV	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	January 1, 2011 January 1, 2012	\$3,340 \$3,510
Forensic Scientist Trainee	RC-062-15	None identified	Meets minimum class requirements	January 1, 2008	Step 2
Forensic Scientist Trainee	RC-062-15	None identified	Completed Forensic Science Residency Program at the U of I-Chicago	January 1, 2008	Step 3
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 6
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 2
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 3

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Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2
Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-033	Work in Regions 1 and 6	None identified beyond class requirements	January 1, 2008	Step 3
Physician Specialist, Option C	RC-063-MD-C	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Physician Specialist, Option D	RC-063-MD-D	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Products & Standards Inspector Trainee	MS-09	Work in Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$3,057
Products & Standards Inspector Trainee	MS-09	Work in counties outside Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$2,854

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Revenue Auditor Trainee	RC-062-12	Work in IL	None identified beyond class requirements	January 1, 2008	Step 5
Revenue Auditor Trainee	RC-062-15	See Note in Appendix A Table W	None identified beyond class requirements	January 1, 2008	Step 5
Revenue Auditor Trainee	RC-062-13	States other than IL and not assigned to RC-062-15	None identified beyond class requirements	January 1, 2008	Step 5
Security Therapy Aide Trainee	RC-009-13	Work in Joliet Treatment and Detention Facility	None identified beyond class requirements	January 1, 2008	Step 5
Telecommunicator	RC-014-12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014-10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3
Telecommunicator Trainee	RC-014-10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7

(Source: Amended by peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013)

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

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"Bargaining Representative" – The sole and exclusive labor organization (union, chapter, lodge or association) recognized, as noted in an agreement with the State of Illinois, to negotiate for one or more bargaining units and may include one or more locals.

"Bargaining Unit" – The sole and exclusive labor organization that represents and includes at least one position and its appointed employee as specified in a Certification of Representative, Certification of Clarified Unit or corrected certification issued by the Illinois Labor Relations Board as authorized by the Illinois Public Labor Relations Act [5 ILCS 315/6(c) and 9(d)].

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Classification" – The classification established based on the Personnel Code [20 ILCS 415/8a(1)] and to which one or more positions are allocated based upon similarity of duties performed, responsibilities assigned and conditions of employment. Classification may be abbreviated to "class" and referred to by its title or title code.

"Class Specification" – The document comprising the title, title code, effective date, distinguishing features of work, illustrative examples of work and desirable requirements.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a

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class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Divided Class" – The classification established by the Personnel Code [20 ILCS 415/8a(1)], represented by more than one bargaining unit as certified by the Illinois Labor Relations Board and to which more than one bargaining unit pay grade is assigned. The divided classes effective February 21, 2013 are:

Title	Title Code
Apparel/Dry Goods Specialist III	01233
Bridge Mechanic	05310
Bridge Tender	05320
Civil Engineer I	07601
Civil Engineer II	07602
Civil Engineer III	07603
Clinical Laboratory Associate	08200
Clinical Laboratory Technician I	08215
Clinical Laboratory Technician II	08216
Educator	13100
Educator Aide	13130
Engineering Technician II	13732
Engineering Technician III	13733
Highway Maintainer	18639
Highway Maintenance Lead Worker	18659
Housekeeper II	19602
Labor Maintenance Lead Worker	22809
Laboratory Assistant	22995
Laboratory Associate I	22997
Laboratory Associate II	22998
Laborer (Maintenance)	23080
Licensed Practical Nurse I	23551
Licensed Practical Nurse II	23552
Maintenance Equipment Operator	25020
Maintenance Worker	25500
Pest Control Operator	31810
Power Shovel Operator (Maintenance)	33360

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Property and Supply Clerk II	34792
Property and Supply Clerk III	34793
Public Service Administrator	37015
Senior Public Service Administrator	40070
Silk Screen Operator	41020
Social Service Aide Trainee	41285
Storekeeper I	43051
Storekeeper II	43052
Storekeeper III	43053
Stores Clerk	43060

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"~~In-hire~~~~In-hiring~~ Rate" – An ~~in-hire~~~~in-hiring~~ rate is a minimum rate/step for a class that is above ~~or below~~ the normal minimum of the range ~~or full scale rate~~, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes ~~or as negotiated between the Director of Central Management Services and a bargaining unit~~.

"Option" – The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 3J = Java Application Developer

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- 3N = Wide Area Networks
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant
- 8D = Special License – Federal Communications Commission License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Professional Land Surveyor License
- 8J = Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Administrative Certificate issued by the Illinois State Board of Education
- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8X = Special License – Blaster Certificate
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training

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- 9A = Special License – Certified Internal Auditor
- 9B = Special License – Certified Information Systems Auditor
- 9G = Special License – Registered Professional Geologist License
- 9T = Teamster Management Information Systems, effective December 30, 2009 through February 1, 2011

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/ Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 5 = Agriculture/Conservation
- 6 = Health and Human Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor/Certified Information Systems Auditor
- 8D = Special License – Dental License
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Clinical Professional Counseling
- 8G = Special License – Geologist License
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Illinois Auctioneer License
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License (Illinois)
- 8M = Special License – Veterinary Medicine License
- 8N = Special License – Nurse (Registered IL) License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Nursing Home Administration License
- 8R = Special License – Real Estate Brokers License
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Illinois Teaching Certificate (Type 75)/General

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Administrative Certificate (Type 61) issued by the Illinois State Board of Education

8Z = Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

Children and Family Service Intern, Option 1
Children and Family Service Intern, Option 2
Health Services Investigator I, Option A – General
Health Services Investigator I, Option B – Controlled Substance Inspector
Health Services Investigator II, Option A – General
Health Services Investigator II, Option B – Controlled Substance Inspector
Health Services Investigator II, Option C – Pharmacy
Health Services Investigator II, Option D – Pharmacy/Controlled Substance Inspector
Juvenile Justice Youth and Family Specialist Option 1
Juvenile Justice Youth and Family Specialist Option 2
Medical Administrator I Option C
Medical Administrator I Option D
Medical Administrator II Option C
Medical Administrator II Option D
Physician Specialist – Option A
Physician Specialist – Option B
Physician Specialist – Option C
Physician Specialist – Option D
Physician Specialist – Option E
Research Fellow, Option B

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

B = Negotiated regular pension formula rate for the State of Illinois

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- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from

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one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Whole Class" – The classification established by the Personnel Code [20 ILCS 415/8a(1)], represented by no more than one bargaining unit as certified by the Illinois Labor Relations Board and to which no more than one bargaining unit pay grade is assigned.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013)

Section 310.100 Other Pay Provisions

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

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the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).

- 3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
- c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.
- d) Differential and Overtime Pay – An eligible employee may have an amount added to the employee's base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:
 - 1) Shift Differential Pay –
 - A) When Contract Contains No Provision – An employee may be paid an amount in addition to the employee's base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
 - B) When Represented by AFSCME – Employees shall be paid a shift differential of 80 cents per hour in addition to the base salary rate for all hours worked if the normal work schedule for that day provides that the employee is scheduled to work and the employee works half or more of such work hours before 7 a.m. or after 3 p.m. Such payment shall be for all paid time.

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- 2) Overtime Pay –
- A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
- B) Compensatory Time –
- i) When Contract Contains No Provision – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- ii) When Represented by AFSCME (excludes CU-500) – If evidence demonstrates that circumstances prevented an employee from receiving a rest period or resulted in a rest period being interrupted, and no alternative time is authorized, the employee shall be entitled to compensatory time. For employees represented by RC-006, RC-009, RC-

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014, RC-028 and RC-042 bargaining units, accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Notwithstanding the above, employees who schedule compensatory time off by June 1st of the fiscal year shall be allowed to use such time through August 1st of the following fiscal year. Employees who earn compensatory time after June 1st shall be allowed to use such compensatory time through August 15th of the subsequent fiscal year.

- 3) Incentive Pay – An employee may be paid an amount in addition to the employee's base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 4) Temporary Assignment Pay –
 - A) When Assigned to a Higher-Level Position Classification –
 - i) When Contract Contains No Provision – A bargaining unit employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee

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received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

- ii) When Represented by AFSCME (excludes CU-500) – If the employee who has been temporarily assigned is selected for the posted vacancy, the employee shall have his/her creditable service date adjusted to reflect the first date on which the employee was temporarily assigned without interruption. The uninterrupted time in a temporary assignment shall be credited in determining semi-automatic promotions, if the employee successfully performed the duty or duties which distinguish the position to which the employee has been temporarily assigned. When an employee in a position allocated to the Public Service Administrator title represented by an AFSCME (excludes CU-500) bargaining unit is temporarily assigned to a non-bargaining unit position, the time frames shall not exceed nine (9) months, unless mutually agreed otherwise. For other titles, the time limits for temporarily filling a position classification are in terms of work days or calendar months. The time limit herein may be extended by mutual agreement of the parties. The time limits are: While the Employer posts and fills a job vacancy for a period of sixty (60) days from the date of posting; While an absent regular incumbent is utilizing sick leave, or accumulated time (vacation, holidays, personal days); Up to thirty (30) work days in a six (6) calendar month period while a regular incumbent is on disciplinary suspension or layoff; While a regular incumbent is attending required training classes; Up to six (6) months while a regular incumbent is on any illness or injury, Union or jury leave of absence. Extension shall not be unreasonably denied; and Up to sixty (60) work days in a twelve (12) month period for other leaves, or where there is temporary change in work load, or other reasonable work related circumstances. Extension shall not be unreasonably denied.

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- B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
 - C) When Required to Apply Chemical Manually and represented by Teamsters RC-019 – Employees represented by RC-019 and appointed to the Highway Maintainer title who are required to perform duties of manual chemical application which require proper certification in chemical spraying shall receive \$1.00 an hour over their base pay during the time they are applying the chemical.
- 5) Travel for Required Training –
- A) When Represented by American Federation of State, County and Municipal Employees (AFSCME) (excludes CU-500) – When an employee is in a position represented by an AFSCME (excludes CU-500) bargaining unit, overtime shall be paid to the employee required to travel for training, orientation, or professional development when travel is in excess of the employee's normal commute and outside the employee's normal work hours. Where current practice exists, the employee who is paid overtime for travel during the employee's normal commute time outside normal work time, the practice shall continue.
 - B) When represented by Illinois Federation of Public Employees (IFPE) RC-029 – When an employee is in a position represented by IFPE RC-029 and in the Department of Agriculture, time spent traveling from an employee's residence to and/or from a work site in Cook, Will, Lake, DuPage, McHenry and Kane counties is not considered work time except where an employee is required to travel in excess of twenty miles one way or twenty-five minutes as measured from the employee's official headquarters in which case

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the miles in excess of twenty miles or minutes in excess of twenty-five minutes will be considered work time. The workday shall commence at the time of the pre-trip inspection for employees assigned to drive vehicles, which require a commercial driver's license.

- e) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) Equivalent Earned Time –
 - 1) Employees in Positions Represented by the VR-704 Bargaining Unit –
 - A) Eligibility – Employees who are represented by the VR-704 bargaining unit may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.
 - B) Accrual –
 - i) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.
 - ii) Equivalent earned time will accrue in no less than one-quarter hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

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- C) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.
- 2) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit – Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.
- g) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.
- h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

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

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- i) Salary Treatment Upon Return From Leave –
 - 1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which the employee would have been entitled during the employee's period of leave. Creditable service date will be maintained.
 - 2) An employee returning to the employee's former pay grade from any other leave (not mentioned in subsection (j)(1)) of over 14 days will be placed at the step on which the employee was situated prior to the employee's leave, and the employee's creditable service date will be extended by the duration of the leave.
- j) Salary Treatment Upon Reemployment –
 - 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
 - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- k) Reinstatement – The salary upon reinstatement should not provide more than a

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5% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

- l) Extended Service Payment –
 - 1) The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade.
 - 2) The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade.
- m) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- n) Maximum Security Rates – An employee represented by an AFSCME (excludes CU-500) bargaining unit with seven or more years of continuous service with the Departments of Corrections and Juvenile Justice who is currently employed at Department of Corrections or Juvenile Justice maximum security institution shall be placed on the maximum security schedule as long as they remain an employee at a maximum security facility. Maximum Security rates are denoted by Pay Plan Codes P and S (defined in Section 310.50).

(Source: Amended by peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE D HR-001 (Teamsters Local #700)**

Title	Full Scale Rates				Effective Date
	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

NOTE: Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

July 1, 2012

Title	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
		Mo.	Hr.	Mo.	Hr.								
<u>Building Services</u>													
<u>Worker</u>	05616 B											3781	21.73
<u>Elevator Operator</u>	13500 B											3859	22.18
<u>Elevator Operator – Assistant Starter</u>	13500 B											3909	22.47
<u>Elevator Operator – Starter</u>	13500 B											3933	22.60
<u>Grounds Supervisor</u>	17549 B											5729	32.93
<u>Grounds Supervisor (DHS – Chicago Read)</u>	17549 B											5937	34.12

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<u>Worker)</u>									
<u>(Emergency Patrol</u>									
<u>- EP)</u>									
<u>Laborer</u>									
<u>(Maintenance)</u>									
<u>(Regular - RG)</u>	<u>23080</u>	<u>B</u>						<u>5757</u>	<u>33.09</u>
<u>Maintenance</u>									
<u>Equipment</u>									
<u>Operator</u>	<u>25020</u>	<u>B</u>						<u>5873</u>	<u>33.75</u>
<u>Maintenance</u>									
<u>Equipment</u>									
<u>Operator (DHS -</u>									
<u>Tractor Trailer)</u>	<u>25020</u>	<u>B</u>						<u>5902</u>	<u>33.92</u>
<u>Maintenance</u>									
<u>Equipment</u>									
<u>Operator</u>									
<u>(Dispatcher)</u>	<u>25020</u>	<u>B</u>						<u>6088</u>	<u>34.99</u>
<u>Maintenance Worker</u>									
<u>(not DOT, DHS -</u>									
<u>Chicago Read or</u>									
<u>DHS - Forensic)</u>	<u>25500</u>	<u>B</u>						<u>5690</u>	<u>32.70</u>
<u>Maintenance Worker</u>									
<u>(DHS - Chicago</u>									
<u>Read)</u>	<u>25500</u>	<u>B</u>						<u>5873</u>	<u>33.75</u>
<u>Maintenance Worker</u>									
<u>(DHS - Forensic)</u>	<u>25500</u>	<u>Q</u>						<u>5947</u>	<u>34.18</u>
<u>Maintenance Worker</u>									
<u>(DOT - Regular -</u>									
<u>RG)</u>	<u>25500</u>	<u>B</u>						<u>5804</u>	<u>33.36</u>
<u>Maintenance Worker</u>									
<u>(DOT -</u>									
<u>Emergency Patrol</u>									
<u>- EP)</u>	<u>25500</u>	<u>B</u>						<u>5927</u>	<u>34.06</u>
<u>Power Shovel</u>									
<u>Operator</u>									
<u>(Maintenance)</u>									
<u>(Regular - RG)</u>	<u>33360</u>	<u>B</u>						<u>6160</u>	<u>35.40</u>

July 1, 2013

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>75%</u>		<u>80%</u>		<u>85%</u>		<u>90%</u>		<u>95%</u>		<u>Full Scale</u>	
			<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>								
Building Services Worker	05616	B											3857	22.17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Elevator Operator</u>	<u>13500</u>	<u>B</u>																<u>3936</u>	<u>22.62</u>
<u>Elevator Operator – Assistant Starter</u>	<u>13500</u>	<u>B</u>																<u>3987</u>	<u>22.91</u>
<u>Elevator Operator – Starter</u>	<u>13500</u>	<u>B</u>																<u>4012</u>	<u>23.06</u>
<u>Grounds Supervisor</u>	<u>17549</u>	<u>B</u>																<u>5844</u>	<u>33.59</u>
<u>Grounds Supervisor (DHS – Chicago Read)</u>	<u>17549</u>	<u>B</u>																<u>6056</u>	<u>34.80</u>
<u>Grounds Supervisor (DHS – Supervisor Tractor Trailer)</u>	<u>17549</u>	<u>B</u>																<u>6345</u>	<u>36.47</u>
<u>Heavy Construction Equipment Operator (Regular – RG)</u>	<u>18465</u>	<u>Q</u>																<u>6194</u>	<u>35.60</u>
<u>Heavy Construction Equipment Operator (Bridge Crew – BC)</u>	<u>18465</u>	<u>Q</u>																<u>6283</u>	<u>36.11</u>
<u>Highway Maintainer (Regular – RG)</u>	<u>18639</u>	<u>Q</u>	<u>4550</u>	<u>26.15</u>	<u>4853</u>	<u>27.89</u>	<u>5156</u>	<u>29.63</u>	<u>5459</u>	<u>31.37</u>	<u>5763</u>	<u>33.12</u>	<u>6066</u>	<u>34.86</u>					
<u>Highway Maintainer (Bridge Crew – BC)</u>	<u>18639</u>	<u>Q</u>	<u>4619</u>	<u>26.55</u>	<u>4927</u>	<u>28.32</u>	<u>5235</u>	<u>30.09</u>	<u>5543</u>	<u>31.86</u>	<u>5851</u>	<u>33.63</u>	<u>6159</u>	<u>35.40</u>					
<u>Highway Maintainer (Drill Rig – DR)</u>	<u>18639</u>	<u>Q</u>	<u>4646</u>	<u>26.70</u>	<u>4955</u>	<u>28.48</u>	<u>5265</u>	<u>30.26</u>	<u>5575</u>	<u>32.04</u>	<u>5884</u>	<u>33.82</u>	<u>6194</u>	<u>35.60</u>					
<u>Highway Maintainer (Emergency Patrol – EP)</u>	<u>18639</u>	<u>Q</u>	<u>4648</u>	<u>26.71</u>	<u>4958</u>	<u>28.49</u>	<u>5267</u>	<u>30.27</u>	<u>5577</u>	<u>32.04</u>	<u>5887</u>	<u>33.83</u>	<u>6197</u>	<u>35.61</u>					
<u>Highway Maintenance Lead Worker (Regular – RG)</u>	<u>18659</u>	<u>Q</u>																<u>6234</u>	<u>35.83</u>
<u>Highway Maintenance Lead Worker (Bridge Crew – BC)</u>	<u>18659</u>	<u>Q</u>																<u>6323</u>	<u>36.34</u>
<u>Highway Maintenance Lead Worker (Emergency Patrol – EP)</u>	<u>18659</u>	<u>Q</u>																<u>6362</u>	<u>36.56</u>
<u>Highway Maintenance Lead Worker (Lead</u>	<u>18659</u>	<u>Q</u>																<u>6297</u>	<u>36.19</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Lead Worker</u> <u>(Regular - RG)</u>			
<u>Highway</u>			
<u>Maintenance Lead</u> <u>Worker (Lead</u> <u>Lead Worker</u> <u>(Bridge Crew -</u> <u>BC)</u>	<u>18659</u>	<u>Q</u>	<u>6386</u> <u>36.70</u>
<u>Highway</u>			
<u>Maintenance Lead</u> <u>Worker (Lead</u> <u>Lead Worker</u> <u>(Emergency Patrol</u> <u>- EP)</u>	<u>18659</u>	<u>Q</u>	<u>6426</u> <u>36.93</u>
<u>Laborer</u> <u>(Maintenance)</u> <u>(Regular - RG)</u>	<u>23080</u>	<u>B</u>	<u>5872</u> <u>33.75</u>
<u>Maintenance</u> <u>Equipment</u> <u>Operator</u>	<u>25020</u>	<u>B</u>	<u>5990</u> <u>34.43</u>
<u>Maintenance</u> <u>Equipment</u> <u>Operator (DHS -</u> <u>Tractor Trailer)</u>	<u>25020</u>	<u>B</u>	<u>6020</u> <u>34.60</u>
<u>Maintenance</u> <u>Equipment</u> <u>Operator</u> <u>(Dispatcher)</u>	<u>25020</u>	<u>B</u>	<u>6210</u> <u>35.69</u>
<u>Maintenance Worker</u> <u>(not DOT, DHS -</u> <u>Chicago Read or</u> <u>DHS - Forensic)</u>	<u>25500</u>	<u>B</u>	<u>5804</u> <u>33.36</u>
<u>Maintenance Worker</u> <u>(DHS - Chicago</u> <u>Read)</u>	<u>25500</u>	<u>B</u>	<u>5990</u> <u>34.43</u>
<u>Maintenance Worker</u> <u>(DHS - Forensic)</u>	<u>25500</u>	<u>Q</u>	<u>6066</u> <u>34.86</u>
<u>Maintenance Worker</u> <u>(DOT - Regular -</u> <u>RG)</u>	<u>25500</u>	<u>B</u>	<u>5920</u> <u>34.02</u>
<u>Maintenance Worker</u> <u>(DOT -</u> <u>Emergency Patrol</u> <u>- EP)</u>	<u>25500</u>	<u>B</u>	<u>6046</u> <u>34.75</u>
<u>Power Shovel</u> <u>Operator</u> <u>(Maintenance)</u>	<u>33360</u>	<u>B</u>	<u>6283</u> <u>36.11</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Regular – RG)

July 24, 2013

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>75%</u>		<u>80%</u>		<u>85%</u>		<u>90%</u>		<u>95%</u>		<u>Full Scale</u>	
			<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>								
<u>Building Services</u>														
<u>Worker</u>	<u>05616</u>	<u>B</u>	<u>2893</u>	<u>16.63</u>	<u>3086</u>	<u>17.74</u>	<u>3278</u>	<u>18.84</u>	<u>3471</u>	<u>19.95</u>	<u>3664</u>	<u>21.06</u>	<u>3857</u>	<u>22.17</u>
<u>Elevator Operator</u>	<u>13500</u>	<u>B</u>	<u>2952</u>	<u>16.97</u>	<u>3149</u>	<u>18.10</u>	<u>3346</u>	<u>19.23</u>	<u>3542</u>	<u>20.36</u>	<u>3739</u>	<u>21.49</u>	<u>3936</u>	<u>22.62</u>
<u>Elevator Operator –</u>														
<u>Assistant Starter</u>	<u>13500</u>	<u>B</u>	<u>2990</u>	<u>17.18</u>	<u>3190</u>	<u>18.33</u>	<u>3389</u>	<u>19.48</u>	<u>3588</u>	<u>20.62</u>	<u>3788</u>	<u>21.77</u>	<u>3987</u>	<u>22.91</u>
<u>Elevator Operator –</u>														
<u>Starter</u>	<u>13500</u>	<u>B</u>	<u>3009</u>	<u>17.29</u>	<u>3210</u>	<u>18.45</u>	<u>3410</u>	<u>19.60</u>	<u>3611</u>	<u>20.75</u>	<u>3811</u>	<u>21.90</u>	<u>4012</u>	<u>23.06</u>
<u>Grounds Supervisor</u>	<u>17549</u>	<u>B</u>	<u>4383</u>	<u>25.19</u>	<u>4675</u>	<u>26.87</u>	<u>4967</u>	<u>28.55</u>	<u>5260</u>	<u>30.23</u>	<u>5552</u>	<u>31.91</u>	<u>5844</u>	<u>33.59</u>
<u>Grounds Supervisor</u>														
<u>(DHS – Chicago</u>														
<u>Read)</u>	<u>17549</u>	<u>B</u>	<u>4542</u>	<u>26.10</u>	<u>4845</u>	<u>27.84</u>	<u>5148</u>	<u>29.59</u>	<u>5450</u>	<u>31.32</u>	<u>5753</u>	<u>33.06</u>	<u>6056</u>	<u>34.80</u>
<u>Grounds Supervisor</u>														
<u>(DHS –</u>														
<u>Supervisor</u>														
<u>Tractor Trailer)</u>	<u>17549</u>	<u>B</u>	<u>4759</u>	<u>27.35</u>	<u>5076</u>	<u>29.17</u>	<u>5393</u>	<u>30.99</u>	<u>5711</u>	<u>32.82</u>	<u>6028</u>	<u>34.64</u>	<u>6345</u>	<u>36.47</u>
<u>Heavy Construction</u>														
<u>Equipment</u>														
<u>Operator</u>														
<u>(Regular – RG)</u>	<u>18465</u>	<u>Q</u>	<u>4646</u>	<u>26.70</u>	<u>4955</u>	<u>28.48</u>	<u>5265</u>	<u>30.26</u>	<u>5575</u>	<u>32.04</u>	<u>5884</u>	<u>33.82</u>	<u>6194</u>	<u>35.60</u>
<u>Heavy Construction</u>														
<u>Equipment</u>														
<u>Operator (Bridge</u>														
<u>Crew – BC)</u>	<u>18465</u>	<u>Q</u>	<u>4712</u>	<u>27.08</u>	<u>5026</u>	<u>28.89</u>	<u>5341</u>	<u>30.70</u>	<u>5655</u>	<u>32.50</u>	<u>5969</u>	<u>34.30</u>	<u>6283</u>	<u>36.11</u>
<u>Highway</u>														
<u>Maintainer</u>														
<u>(Regular – RG)</u>	<u>18639</u>	<u>Q</u>	<u>4550</u>	<u>26.15</u>	<u>4853</u>	<u>27.89</u>	<u>5156</u>	<u>29.63</u>	<u>5459</u>	<u>31.37</u>	<u>5763</u>	<u>33.12</u>	<u>6066</u>	<u>34.86</u>
<u>Highway</u>														
<u>Maintainer</u>														
<u>(Bridge Crew –</u>														
<u>BC)</u>	<u>18639</u>	<u>Q</u>	<u>4619</u>	<u>26.55</u>	<u>4927</u>	<u>28.32</u>	<u>5235</u>	<u>30.09</u>	<u>5543</u>	<u>31.86</u>	<u>5851</u>	<u>33.63</u>	<u>6159</u>	<u>35.40</u>
<u>Highway</u>														
<u>Maintainer (Drill</u>														
<u>Rig – DR)</u>	<u>18639</u>	<u>Q</u>	<u>4646</u>	<u>26.70</u>	<u>4955</u>	<u>28.48</u>	<u>5265</u>	<u>30.26</u>	<u>5575</u>	<u>32.04</u>	<u>5884</u>	<u>33.82</u>	<u>6194</u>	<u>35.60</u>
<u>Highway</u>														
<u>Maintainer</u>														
<u>(Emergency</u>														
<u>Patrol – EP)</u>	<u>18639</u>	<u>Q</u>	<u>4648</u>	<u>26.71</u>	<u>4958</u>	<u>28.49</u>	<u>5267</u>	<u>30.27</u>	<u>5577</u>	<u>32.05</u>	<u>5887</u>	<u>33.83</u>	<u>6197</u>	<u>35.61</u>
<u>Highway</u>	<u>18659</u>	<u>Q</u>	<u>4676</u>	<u>26.87</u>	<u>4987</u>	<u>28.66</u>	<u>5299</u>	<u>30.45</u>	<u>5611</u>	<u>32.25</u>	<u>5922</u>	<u>34.03</u>	<u>6234</u>	<u>35.83</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Regular - RG)</u>														
<u>Highway</u>														
<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Bridge Crew -</u>														
<u>BC)</u>	18659	Q	<u>4742</u>	<u>27.25</u>	<u>5058</u>	<u>29.07</u>	<u>5375</u>	<u>30.89</u>	<u>5691</u>	<u>32.71</u>	<u>6007</u>	<u>34.52</u>	<u>6323</u>	<u>36.34</u>
<u>Highway</u>														
<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Emergency</u>														
<u>Patrol - EP)</u>	18659	Q	<u>4772</u>	<u>27.43</u>	<u>5090</u>	<u>29.25</u>	<u>5408</u>	<u>31.08</u>	<u>5726</u>	<u>32.91</u>	<u>6044</u>	<u>34.74</u>	<u>6362</u>	<u>36.56</u>
<u>Highway</u>														
<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Lead Lead</u>														
<u>Worker) (Regular</u>														
<u>- RG)</u>	18659	Q	<u>4723</u>	<u>27.14</u>	<u>5038</u>	<u>28.95</u>	<u>5352</u>	<u>30.76</u>	<u>5667</u>	<u>32.57</u>	<u>5982</u>	<u>34.38</u>	<u>6297</u>	<u>36.19</u>
<u>Highway</u>														
<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Lead Lead</u>														
<u>Worker) (Bridge</u>														
<u>Crew - BC)</u>	18659	Q	<u>4790</u>	<u>27.53</u>	<u>5109</u>	<u>29.36</u>	<u>5428</u>	<u>31.20</u>	<u>5747</u>	<u>33.03</u>	<u>6067</u>	<u>34.87</u>	<u>6386</u>	<u>36.70</u>
<u>Highway</u>														
<u>Maintenance</u>														
<u>Lead Worker</u>														
<u>(Lead Lead</u>														
<u>Worker)</u>														
<u>(Emergency</u>														
<u>Patrol - EP)</u>	18659	Q	<u>4820</u>	<u>27.70</u>	<u>5141</u>	<u>29.55</u>	<u>5462</u>	<u>31.39</u>	<u>5783</u>	<u>33.24</u>	<u>6105</u>	<u>35.09</u>	<u>6426</u>	<u>36.93</u>
<u>Laborer</u>														
<u>(Maintenance)</u>														
<u>(Regular - RG)</u>	23080	B	<u>4404</u>	<u>25.31</u>	<u>4698</u>	<u>27.00</u>	<u>4991</u>	<u>28.68</u>	<u>5285</u>	<u>30.37</u>	<u>5578</u>	<u>32.06</u>	<u>5872</u>	<u>33.75</u>
<u>Maintenance</u>														
<u>Equipment</u>														
<u>Operator</u>	25020	B	<u>4493</u>	<u>25.82</u>	<u>4792</u>	<u>27.54</u>	<u>5092</u>	<u>29.26</u>	<u>5391</u>	<u>30.98</u>	<u>5691</u>	<u>32.71</u>	<u>5990</u>	<u>34.43</u>
<u>Maintenance</u>														
<u>Equipment</u>														
<u>Operator (DHS -</u>														
<u>Tractor Trailer)</u>	25020	B	<u>4515</u>	<u>25.95</u>	<u>4816</u>	<u>27.68</u>	<u>5117</u>	<u>29.41</u>	<u>5418</u>	<u>31.14</u>	<u>5719</u>	<u>32.87</u>	<u>6020</u>	<u>34.60</u>
<u>Maintenance</u>														
<u>Equipment</u>														
<u>Operator</u>														
<u>(Dispatcher)</u>	25020	B	<u>4658</u>	<u>26.77</u>	<u>4968</u>	<u>28.55</u>	<u>5279</u>	<u>30.34</u>	<u>5589</u>	<u>32.12</u>	<u>5900</u>	<u>33.91</u>	<u>6210</u>	<u>35.69</u>
<u>Maintenance</u>	25500	B	<u>4353</u>	<u>25.02</u>	<u>4643</u>	<u>26.68</u>	<u>4933</u>	<u>28.35</u>	<u>5224</u>	<u>30.02</u>	<u>5514</u>	<u>31.69</u>	<u>5804</u>	<u>33.36</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Worker (not DOT, DHS – Chicago Read or DHS – Forensic)</u>														
<u>Maintenance Worker (DHS – Chicago Read)</u>	25500	B	4493	25.82	4792	27.54	5092	29.26	5391	30.98	5691	32.71	5990	34.43
<u>Maintenance Worker (DHS – Forensic)</u>	25500	Q	4550	26.15	4853	27.89	5156	29.63	5459	31.37	5763	33.12	6066	34.86
<u>Maintenance Worker (DOT – Regular – RG)</u>	25500	B	4440	25.52	4736	27.22	5032	28.92	5328	30.62	5624	32.32	5920	34.02
<u>Maintenance Worker (DOT – Emergency Patrol – EP)</u>	25500	B	4535	26.06	4837	27.80	5139	29.53	5441	31.27	5744	33.01	6046	34.75
<u>Power Shovel Operator (Maintenance) (Regular – RG)</u>	33360	B	4712	27.08	5026	28.89	5341	30.70	5655	32.50	5969	34.30	6283	36.11

July 1, 2014

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>75%</u>		<u>80%</u>		<u>85%</u>		<u>90%</u>		<u>95%</u>		<u>Full Scale</u>	
			<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>								
<u>Building Services Worker</u>	05616	B	2951	16.96	3148	18.09	3344	19.22	3540	20.34	3737	21.48	3934	22.61
<u>Elevator Operator</u>	13500	B	3011	17.30	3212	18.46	3413	19.61	3613	20.76	3814	21.92	4015	23.07
<u>Elevator Operator – Assistant Starter</u>	13500	B	3050	17.53	3254	18.70	3457	19.87	3660	21.03	3864	22.21	4067	23.37
<u>Elevator Operator – Starter</u>	13500	B	3069	17.64	3274	18.82	3478	19.99	3683	21.17	3887	22.34	4092	23.52
<u>Grounds Supervisor</u>	17549	B	4471	25.70	4769	27.41	5066	29.11	5365	30.83	5663	32.55	5961	34.26
<u>Grounds Supervisor (DHS – Chicago Read)</u>	17549	B	4633	26.63	4942	28.40	5251	30.18	5559	31.95	5868	33.72	6177	35.50
<u>Grounds Supervisor (DHS – Supervisor Tractor Trailer)</u>	17549	B	4854	27.90	5178	29.76	5501	31.61	5825	33.48	6149	35.34	6472	37.20
<u>Heavy Construction</u>	18465	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Equipment</u> <u>Operator</u> <u>(Regular - RG)</u>														
<u>Heavy</u> <u>Construction</u> <u>Equipment</u> <u>Operator (Bridge</u> <u>Crew - BC)</u>	<u>18465</u>	<u>Q</u>	<u>4806</u>	<u>27.62</u>	<u>5127</u>	<u>29.47</u>	<u>5448</u>	<u>31.31</u>	<u>5768</u>	<u>33.15</u>	<u>6088</u>	<u>34.99</u>	<u>6409</u>	<u>36.83</u>
<u>Highway</u> <u>Maintainer</u> <u>(Regular - RG)</u>	<u>18639</u>	<u>Q</u>	<u>4641</u>	<u>26.67</u>	<u>4950</u>	<u>28.45</u>	<u>5259</u>	<u>30.22</u>	<u>5568</u>	<u>32.00</u>	<u>5878</u>	<u>33.78</u>	<u>6187</u>	<u>35.56</u>
<u>Highway</u> <u>Maintainer</u> <u>(Bridge Crew -</u> <u>BC)</u>	<u>18639</u>	<u>Q</u>	<u>4711</u>	<u>27.07</u>	<u>5026</u>	<u>28.89</u>	<u>5340</u>	<u>30.69</u>	<u>5654</u>	<u>32.49</u>	<u>5968</u>	<u>34.30</u>	<u>6282</u>	<u>36.10</u>
<u>Highway</u> <u>Maintainer (Drill</u> <u>Rig - DR)</u>	<u>18639</u>	<u>Q</u>	<u>4739</u>	<u>27.24</u>	<u>5054</u>	<u>29.05</u>	<u>5370</u>	<u>30.86</u>	<u>5687</u>	<u>32.68</u>	<u>6002</u>	<u>34.49</u>	<u>6318</u>	<u>36.31</u>
<u>Highway</u> <u>Maintainer</u> <u>(Emergency</u> <u>Patrol - EP)</u>	<u>18639</u>	<u>Q</u>	<u>4741</u>	<u>27.25</u>	<u>5057</u>	<u>29.06</u>	<u>5378</u>	<u>30.87</u>	<u>5689</u>	<u>32.70</u>	<u>6005</u>	<u>34.51</u>	<u>6321</u>	<u>36.33</u>
<u>Highway</u> <u>Maintenance</u> <u>Lead Worker</u> <u>(Regular - RG)</u>	<u>18659</u>	<u>Q</u>	<u>4770</u>	<u>27.41</u>	<u>5087</u>	<u>29.24</u>	<u>5405</u>	<u>31.06</u>	<u>5723</u>	<u>32.89</u>	<u>6040</u>	<u>34.71</u>	<u>6359</u>	<u>36.55</u>
<u>Highway</u> <u>Maintenance</u> <u>Lead Worker</u> <u>(Bridge Crew -</u> <u>BC)</u>	<u>18659</u>	<u>Q</u>	<u>4837</u>	<u>27.80</u>	<u>5159</u>	<u>29.65</u>	<u>5483</u>	<u>31.51</u>	<u>5805</u>	<u>33.36</u>	<u>6127</u>	<u>35.21</u>	<u>6449</u>	<u>37.06</u>
<u>Highway</u> <u>Maintenance</u> <u>Lead Worker</u> <u>(Emergency</u> <u>Patrol - EP)</u>	<u>18659</u>	<u>Q</u>	<u>4867</u>	<u>27.97</u>	<u>5192</u>	<u>29.84</u>	<u>5516</u>	<u>31.70</u>	<u>5841</u>	<u>33.57</u>	<u>6165</u>	<u>35.43</u>	<u>6489</u>	<u>37.29</u>
<u>Highway</u> <u>Maintenance</u> <u>Lead Worker</u> <u>(Lead Lead</u> <u>Worker)</u> <u>(Regular - RG)</u>	<u>18659</u>	<u>Q</u>	<u>4817</u>	<u>27.68</u>	<u>5139</u>	<u>29.53</u>	<u>5459</u>	<u>31.37</u>	<u>5780</u>	<u>33.22</u>	<u>6102</u>	<u>35.07</u>	<u>6423</u>	<u>36.91</u>
<u>Highway</u> <u>Maintenance</u> <u>Lead Worker</u> <u>(Lead Lead</u> <u>Worker) (Bridge</u>	<u>18659</u>	<u>Q</u>	<u>4886</u>	<u>28.08</u>	<u>5211</u>	<u>29.95</u>	<u>5537</u>	<u>31.82</u>	<u>5862</u>	<u>33.69</u>	<u>6188</u>	<u>35.56</u>	<u>6514</u>	<u>37.44</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Crew – BC)</u>																			
<u>Highway</u>																			
<u>Maintenance</u>																			
<u>Lead Worker</u>																			
<u>(Lead Lead</u>																			
<u>Worker)</u>																			
<u>(Emergency</u>																			
<u>Patrol – EP)</u>	<u>18659</u>	<u>Q</u>	<u>4916</u>	<u>28.25</u>	<u>5244</u>	<u>30.14</u>	<u>5571</u>	<u>32.02</u>	<u>5899</u>	<u>33.90</u>	<u>6227</u>	<u>35.79</u>	<u>6555</u>	<u>37.67</u>					
<u>Laborer</u>																			
<u>(Maintenance)</u>																			
<u>(Regular – RG)</u>	<u>23080</u>	<u>B</u>	<u>4492</u>	<u>25.82</u>	<u>4792</u>	<u>27.54</u>	<u>5091</u>	<u>29.26</u>	<u>5391</u>	<u>30.98</u>	<u>5690</u>	<u>32.70</u>	<u>5989</u>	<u>34.42</u>					
<u>Maintenance</u>																			
<u>Equipment</u>																			
<u>Operator</u>	<u>25020</u>	<u>B</u>	<u>4583</u>	<u>26.34</u>	<u>4888</u>	<u>28.09</u>	<u>5194</u>	<u>29.85</u>	<u>5499</u>	<u>31.60</u>	<u>5805</u>	<u>33.36</u>	<u>6110</u>	<u>35.11</u>					
<u>Maintenance</u>																			
<u>Equipment</u>																			
<u>Operator (DHS –</u>																			
<u>Tractor Trailer)</u>	<u>25020</u>	<u>B</u>	<u>4605</u>	<u>26.47</u>	<u>4912</u>	<u>28.23</u>	<u>5219</u>	<u>30.95</u>	<u>5526</u>	<u>31.76</u>	<u>5833</u>	<u>33.52</u>	<u>6140</u>	<u>35.29</u>					
<u>Maintenance</u>																			
<u>Equipment</u>																			
<u>Operator</u>																			
<u>(Dispatcher)</u>	<u>25020</u>	<u>B</u>	<u>4751</u>	<u>27.30</u>	<u>5067</u>	<u>29.12</u>	<u>5385</u>	<u>29.99</u>	<u>5701</u>	<u>32.76</u>	<u>6018</u>	<u>34.59</u>	<u>6334</u>	<u>36.40</u>					
<u>Maintenance</u>																			
<u>Worker (not</u>																			
<u>DOT, DHS –</u>																			
<u>Chicago Read or</u>																			
<u>DHS – Forensic)</u>	<u>25500</u>	<u>B</u>	<u>4440</u>	<u>25.52</u>	<u>4736</u>	<u>27.22</u>	<u>5032</u>	<u>28.92</u>	<u>5328</u>	<u>30.62</u>	<u>5624</u>	<u>32.32</u>	<u>5920</u>	<u>34.02</u>					
<u>Maintenance</u>																			
<u>Worker (DHS –</u>																			
<u>Chicago Read)</u>	<u>25500</u>	<u>B</u>	<u>4583</u>	<u>26.34</u>	<u>4888</u>	<u>28.09</u>	<u>5194</u>	<u>29.85</u>	<u>5499</u>	<u>31.60</u>	<u>5805</u>	<u>33.36</u>	<u>6110</u>	<u>35.11</u>					
<u>Maintenance</u>																			
<u>Worker (DHS –</u>																			
<u>Forensic)</u>	<u>25500</u>	<u>Q</u>	<u>4641</u>	<u>26.67</u>	<u>4950</u>	<u>28.45</u>	<u>5259</u>	<u>30.22</u>	<u>5568</u>	<u>32.00</u>	<u>5878</u>	<u>33.78</u>	<u>6187</u>	<u>35.56</u>					
<u>Maintenance</u>																			
<u>Worker (DOT –</u>																			
<u>Regular – RG)</u>	<u>25500</u>	<u>B</u>	<u>4529</u>	<u>26.03</u>	<u>4831</u>	<u>27.76</u>	<u>5133</u>	<u>29.50</u>	<u>5435</u>	<u>31.24</u>	<u>5736</u>	<u>32.97</u>	<u>6038</u>	<u>34.70</u>					
<u>Maintenance</u>																			
<u>Worker (DOT –</u>																			
<u>Emergency</u>																			
<u>Patrol – EP)</u>	<u>25500</u>	<u>B</u>	<u>4626</u>	<u>26.59</u>	<u>4934</u>	<u>28.36</u>	<u>5242</u>	<u>30.13</u>	<u>5550</u>	<u>31.90</u>	<u>5859</u>	<u>33.67</u>	<u>6167</u>	<u>35.44</u>					
<u>Power Shovel</u>																			
<u>Operator</u>																			
<u>(Maintenance)</u>																			
<u>(Regular – RG)</u>	<u>33360</u>	<u>B</u>	<u>4806</u>	<u>27.62</u>	<u>5127</u>	<u>29.47</u>	<u>5448</u>	<u>31.31</u>	<u>5768</u>	<u>33.15</u>	<u>6088</u>	<u>34.99</u>	<u>6409</u>	<u>36.83</u>					

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2011</u>		<u>January 1, 2012</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Building Services Worker	05616	HR-001	B	3725	21.41	3781	21.73
Elevator Operator	13500	HR-001	B	3802	21.85	3859	22.18
Elevator Operator—Assistant Starter	13500	HR-001	B	3851	22.13	3909	22.47
Elevator Operator—Starter	13500	HR-001	B	3875	22.27	3933	22.60
Grounds Supervisor	17549	HR-001	B	5644	32.44	5729	32.93
Grounds Supervisor (Chicago Read)	17549	HR-001	B	5849	33.61	5937	34.12
Grounds Supervisor (Supervising Tractor Trailer Drivers)	17549	HR-001	B	6129	35.22	6221	35.75
Heavy Construction Equipment Operator	18465	HR-001	Q	5983	34.39	6073	34.90
Heavy Construction Equipment Operator (Bridge Crew)	18465	HR-001	Q	6069	34.88	6160	35.40
Highway Maintainer and Highway Maintainer (Tractor Mower)	18639	HR-001	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	HR-001	Q	5949	34.19	6038	34.70
Highway Maintainer (Drill Rig)	18639	HR-001	Q	5983	34.39	6073	34.90
Highway Maintainer (Emergency Patrol)	18639	HR-001	Q	5985	34.40	6075	34.91
Highway Maintenance Lead Worker	18659	HR-001	Q	6022	34.61	6112	35.13
Highway Maintenance Lead Worker (Bridge Crew)	18659	HR-001	Q	6107	35.10	6199	35.63
Highway Maintenance Lead Worker (Emergency Patrol)	18659	HR-001	Q	6145	35.32	6237	35.84
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	HR-001	Q	6083	34.96	6174	35.48
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	HR-001	Q	6168	35.45	6261	35.98
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	HR-001	Q	6207	35.67	6300	36.21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Emergency Patrol)							
Laborer (Maintenance)	23080	HR-001	B	5672	32.60	5757	33.09
Maintenance Equipment Operator	25020	HR-001	B	5786	33.25	5873	33.75
Maintenance Equipment Operator (Dispatcher)	25020	HR-001	B	5998	34.47	6088	34.99
Maintenance Equipment Operator (Tractor Trailer)	25020	HR-001	B	5815	33.42	5902	33.92
Maintenance Worker (not DOT, Chicago Read or DHS forensic)	25500	HR-001	B	5606	32.22	5690	32.70
Maintenance Worker (Chicago Read)	25500	HR-001	B	5786	33.25	5873	33.75
Maintenance Worker (DHS, forensic)	25500	HR-001	Q	5859	33.67	5947	34.18
Maintenance Worker (DOT, not Emergency Patrol)	25500	HR-001	B	5718	32.86	5804	33.36
Maintenance Worker (DOT, Emergency Patrol)	25500	HR-001	B	5839	33.56	5927	34.06
Power Shovel Operator (Maintenance)	33360	HR-001	B	6069	34.88	6160	35.40

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	HR-001	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

<u>New Hire</u>	<u>July 1, 2012</u>		<u>On-employee's "new hire" anniversary July-December 2012</u>		<u>January 1, 2013</u>		<u>On-employee's "new hire" anniversary January-June 2013</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
<u>Between the Dates</u> (7/1/08-12/31/08)	5650	32.47	Full Scale					
(1/1/09-6/30/09)	5650	32.47			5650	32.47	Full Scale	
(7/1/09-10/31/09)	5352	30.76	5650	32.47	5650	32.47		

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(11/1/09-12/31/09)	5055	29.05	5352	30.76	5352	30.76		
(1/1/10-6/30/10)	5055	29.05			5055	29.05	5352	30.76
(7/1/10-12/31/10)	4758	27.34	5055	29.05	5055	29.05		
(1/1/11-6/30/11)	4758	27.34			4758	27.34	5055	29.05
(7/1/11-12/31/11)	4460	25.63	4758	27.34	4758	27.34		
(1/1/12-6/30/12)	4460	25.63			4460	25.63	4758	27.34
(7/1/12-12/31/12)	4460	25.63			4460	25.63		
(1/1/13-6/30/13)					4460	25.63		

Highway Maintainer (Bridge Crew)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2012</u>		<u>On-employee's "new hire" anniversary July-December 2012</u>		<u>January 1, 2013</u>		<u>On-employee's "new hire" anniversary January-June 2013</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/08-12/31/08)	5736	32.97	Full Scale					
(1/1/09-6/30/09)	5736	32.97			5736	32.97	Full Scale	
(7/1/09-10/31/09)	5434	31.23	5736	32.97	5736	32.97		
(11/1/09-12/31/09)	5132	29.49	5434	31.23	5434	31.23		
(1/1/10-6/30/10)	5132	29.49			5132	29.49	5434	31.23
(7/1/10-12/31/10)	4830	27.76	5132	29.49	5132	29.49		
(1/1/11-6/30/11)	4830	27.76			4830	27.76	5132	29.49
(7/1/11-12/31/11)	4529	26.03	4830	27.76	4830	27.76		
(1/1/12-6/30/12)	4529	26.03			4529	26.03	4830	27.76
(7/1/12-12/31/12)	4529	26.03			4529	26.03		
(1/1/13-6/30/13)					4529	26.03		

Highway Maintainer (Drill Rig)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2012</u>		<u>On-employee's "new hire" anniversary July-December 2012</u>		<u>January 1, 2013</u>		<u>On-employee's "new hire" anniversary January-June 2013</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/08-12/31/08)	5769	33.16	Full Scale					

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(1/1/09-6/30/09)	5769	33.16			5769	33.16		Full Scale
(7/1/09-10/31/09)	5466	31.41	5769	33.16	5769	33.16		
(11/1/09-12/31/09)	5162	29.67	5466	31.41	5466	31.41		
(1/1/10-6/30/10)	5162	29.67			5162	29.67	5466	31.41
(7/1/10-12/31/10)	4858	27.92	5162	29.67	5162	29.67		
(1/1/11-6/30/11)	4858	27.92			4858	27.92	5162	29.67
(7/1/11-12/31/11)	4555	26.18	4858	27.92	4858	27.92		
(1/1/12-6/30/12)	4555	26.18			4555	26.18	4858	27.92
(7/1/12-12/31/12)	4555	26.18			4555	26.18		
(1/1/13-6/30/13)					4555	26.18		

Highway Maintainer (Emergency Patrol)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2012</u>		<u>On-employee's "new hire" anniversary</u> <u>July-December 2012</u>		<u>January 1, 2013</u>		<u>On-employee's "new hire" anniversary</u> <u>January-June 2013</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/08-12/31/08)	5771	33.17	Full Scale					
(1/1/09-6/30/09)	5771	33.17			5771	33.17	Full Scale	
(7/1/09-10/31/09)	5468	31.43	5771	33.17	5771	33.17		
(11/1/09-12/31/09)	5164	29.68	5468	31.43	5468	31.43		
(1/1/10-6/30/10)	5164	29.68			5164	29.68	5468	31.43
(7/1/10-12/31/10)	4860	27.93	5164	29.68	5164	29.68		
(1/1/11-6/30/11)	4860	27.93			4860	27.93	5164	29.68
(7/1/11-12/31/11)	4556	26.18	4860	27.93	4860	27.93		
(1/1/12-6/30/12)	4556	26.18			4556	26.18	4860	27.93
(7/1/12-12/31/12)	4556	26.18			4556	26.18		
(1/1/13-6/30/13)					4556	26.18		

Note: Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employees shall receive a one-time 2.25% stipend which will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a pro-rated stipend based upon their regular work schedule which will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013.

In-hire rates are located in 310.47(a). Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees in the in-hire will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to the full-scale rate of the next higher classifications, upon promotion.

(Source: Amended by peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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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NOTICE OF PEREMPTORY AMENDMENTS

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
Cancer Registrar I	05951	RC-062	14
Cancer Registrar II	05952	RC-062	16
Cancer Registrar III	05953	RC-062	20
Cancer Registrar Assistant Manager	05954	RC-062	22
Cancer Registrar Manager	05955	RC-062	24
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

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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
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

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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
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

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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
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 Mediator	19771	RC-062	17
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

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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
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

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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
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

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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
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
Private Secretary I	34201	RC-062	16
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

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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, 6, 7 Gaming Board and Departments of Healthcare and Family Services and Revenue, 8C, 8F executive chief pilot function Department of Transportation, 9A and 9B	37015	RC-062	24
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	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29 – Hired prior to April 1, 2013)	38369	RC-062	27
Revenue Audit Supervisor (See Note – Hired prior to April 1,	38369	RC-062	29

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2013)			
Revenue Auditor I	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21 – Hired prior to April 1, 2013)	38371	RC-062	19
Revenue Auditor I (See Note – Hired prior to April 1, 2013)	38371	RC-062	21
Revenue Auditor II	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24 – Hired prior to April 1, 2013)	38372	RC-062	22
Revenue Auditor II (See Note – Hired prior to April 1, 2013)	38372	RC-062	24
Revenue Auditor III	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26 – Hired prior to April 1, 2013)	38373	RC-062	24
Revenue Auditor III (See Note – Hired prior to April 1, 2013)	38373	RC-062	26
Revenue Auditor Trainee	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15 – Hired prior to April 1, 2013)	38375	RC-062	13
Revenue Auditor Trainee (See Note – Hired prior to April 1, 2013)	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	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27 – Hired prior to April 1, 2013)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note – Hired prior to April 1, 2013)	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	40070	RC-062	26

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Gaming Board and Department of Revenue

Sex Offender Therapist I	40531	RC-062	17
Sex Offender Therapist II	40532	RC-062	19
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
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	17
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 Mine Inspector-at-Large	42240	RC-062	21
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

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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
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 a negotiated RC-062 pay grade have the following Options: 2; 6; 7; 8B; 8C; 8F; 8Y; 8Z; 9A; and 9B. 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.

Effective July 1, 2013, the Step 8 rate shall be increased by \$25.00 per month to \$75.00 a month for those employees who attain ten (10) years of continuous service and have three (3) or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain fifteen (15) years of continuous service and have three (3) or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25.00 per month to \$100.00 a month. Employees whose salaries are red-circled above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity

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pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

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
- 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

more of the employee's work is within the District of Columbia. This shall not apply to employees who are hired after April 1, 2013.

Effective July 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	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
14	S	4090	4250	4416	4607	4779	4959	5241	5448

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
21	U	5435	5715	5991	6270	6555	6829	7255	7544

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
26	S	7805	8230	8668	9105	9529	9957	10604	11027
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
27	Q	8232	8680	9137	9604	10053	10504	11182	11630
28	B	8264	8711	9174	9639	10091	10543	11225	11676
29	U	8672	9143	9627	10115	10589	11064	11780	12250

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NOTICE OF PEREMPTORY AMENDMENTS

Effective May 20, 2013
Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</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>
9	B	2910	3006	3102	3198	3297	3402	3507	3620	3726	3903	4059
9	Q	3028	3127	3227	3327	3429	3540	3649	3768	3880	4066	4230
9	S	3090	3192	3294	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3003	3102	3201	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3124	3227	3330	3433	3558	3666	3791	3909	4032	4246	4416
10	S	3189	3294	3399	3504	3629	3740	3864	3983	4114	4325	4497
11	B	3114	3217	3319	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3240	3346	3453	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3303	3412	3521	3630	3758	3879	4019	4151	4283	4510	4689
12	B	3240	3346	3453	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3372	3484	3595	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3438	3551	3665	3778	3916	4044	4201	4344	4499	4741	4932
12H	B	19.94	20.59	21.25	21.91	22.71	23.45	24.33	25.13	26.06	27.45	28.54
12H	Q	20.75	21.44	22.12	22.81	23.65	24.43	25.37	26.23	27.18	28.66	29.82
12H	S	21.16	21.85	22.55	23.25	24.10	24.89	25.85	26.73	27.69	29.18	30.35
13	B	3362	3472	3583	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3501	3616	3732	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3567	3685	3802	3920	4065	4225	4389	4543	4712	4976	5175
14	B	3505	3621	3736	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	3655	3775	3896	4016	4168	4339	4526	4696	4876	5159	5364
14	S	3722	3845	3967	4090	4250	4416	4607	4779	4959	5241	5448
14H	B	21.57	22.28	22.99	23.70	24.60	25.56	26.68	27.65	28.70	30.38	31.59

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NOTICE OF PEREMPTORY AMENDMENTS

14H	Q	22.49	23.23	23.98	24.71	25.65	26.70	27.85	28.90	30.01	31.75	33.01
14H	S	22.90	23.66	24.41	25.17	26.15	27.18	28.35	29.41	30.52	32.25	33.53
15	B	3645	3765	3885	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	3803	3928	4054	4179	4362	4543	4727	4923	5104	5408	5626
15	S	3873	4001	4128	4256	4443	4624	4810	5006	5186	5493	5712
16	B	3815	3940	4066	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	3980	4112	4243	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4057	4191	4324	4458	4655	4864	5065	5268	5477	5793	6024
16H	B	23.48	24.25	25.02	25.80	26.95	28.15	29.30	30.54	31.75	33.63	34.97
16H	Q	24.49	25.30	26.11	26.92	28.15	29.42	30.65	31.91	33.18	35.16	36.58
16H	S	24.97	25.79	26.61	27.43	28.65	29.93	31.17	32.42	33.70	35.65	37.07
17	B	3997	4128	4260	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4170	4307	4445	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4245	4385	4525	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4207	4346	4484	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4393	4538	4683	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4466	4614	4761	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4433	4579	4725	4871	5119	5361	5608	5847	6090	6461	6719
19	J	4433	4579	4725	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	4633	4786	4938	5091	5352	5599	5866	6110	6367	6750	7021
19	S	4711	4866	5022	5177	5436	5685	5949	6195	6450	6833	7106
20	B	4683	4837	4992	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	4894	5055	5217	5378	5649	5916	6197	6463	6731	7143	7428
20	S	4972	5136	5300	5464	5733	5998	6278	6545	6815	7223	7512
21	B	4946	5109	5272	5435	5715	5991	6270	6555	6829	7255	7544
21	U	4946	5109	5272	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5169	5339	5510	5680	5973	6260	6552	6852	7139	7582	7885

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21	S	5245	5418	5591	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5229	5401	5574	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	5463	5643	5823	6003	6318	6628	6938	7259	7565	8033	8352
22	S	5542	5725	5907	6090	6397	6711	7021	7344	7651	8117	8442
23	B	5546	5729	5912	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	5799	5991	6182	6373	6709	7052	7383	7727	8062	8566	8908
23	S	5874	6068	6261	6455	6790	7135	7468	7809	8145	8651	8994
24	B	5903	6098	6292	6487	6831	7191	7533	7883	8237	8755	9104
24	J	5903	6098	6292	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6170	6373	6577	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6247	6453	6659	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6293	6500	6708	6915	7291	7677	8060	8442	8827	9393	9769
25	J	6293	6500	6708	6915	7291	7677	8060	8442	8827	9393	9769
25	Q	6573	6790	7006	7223	7620	8018	8425	8826	9225	9816	10210
25	S	6650	6870	7089	7308	7703	8103	8505	8906	9305	9899	10298
26	B	6713	6934	7156	7377	7782	8196	8609	9011	9416	10023	10423
26	U	6713	6934	7156	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7038	7270	7502	7734	8153	8584	9018	9440	9861	10500	10920
26	S	7103	7337	7571	7805	8230	8668	9105	9529	9957	10604	11027
27	B	7167	7403	7640	7876	8306	8743	9185	9617	10049	10697	11126
27	J	7167	7403	7640	7876	8306	8743	9185	9617	10049	10697	11126
27	U	7167	7403	7640	7876	8306	8743	9185	9617	10049	10697	11126
27	Q	7491	7738	7985	8232	8680	9137	9604	10053	10504	11182	11630
28	B	7520	7768	8016	8264	8711	9174	9639	10091	10543	11225	11676
29	U	7892	8152	8412	8672	9143	9627	10115	10589	11064	11780	12250

Effective July 1, 2013

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</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>
9	B	2968	3066	3164	3262	3363	3470	3577	3692	3801	3981	4140
9	Q	3089	3190	3292	3394	3498	3611	3722	3843	3958	4147	4315
9	S	3152	3256	3360	3464	3570	3685	3798	3921	4035	4226	4396
10	B	3063	3164	3265	3366	3489	3592	3711	3828	3946	4148	4316
10	Q	3186	3292	3397	3502	3629	3739	3867	3987	4113	4331	4504
10	S	3253	3360	3467	3574	3702	3815	3941	4063	4196	4412	4587
11	B	3176	3281	3385	3490	3609	3725	3861	3987	4112	4329	4502
11	Q	3305	3413	3522	3631	3761	3883	4022	4157	4287	4520	4699
11	S	3369	3480	3591	3703	3833	3957	4099	4234	4369	4600	4783
12	B	3305	3413	3522	3631	3765	3887	4033	4165	4319	4550	4731
12	Q	3439	3554	3667	3780	3920	4049	4205	4348	4505	4751	4942
12	S	3507	3622	3738	3854	3994	4125	4285	4431	4589	4836	5031
12H	B	20.34	21.00	21.67	22.34	23.17	23.92	24.82	25.63	26.58	28.00	29.11
12H	Q	21.16	21.87	22.57	23.26	24.12	24.92	25.88	26.76	27.72	29.24	30.41
12H	S	21.58	22.29	23.00	23.72	24.58	25.38	26.37	27.27	28.24	29.76	30.96
13	B	3429	3541	3655	3768	3906	4055	4206	4359	4524	4775	4964
13	Q	3571	3688	3807	3924	4067	4227	4393	4554	4722	4990	5190
13	S	3638	3759	3878	3998	4146	4310	4477	4634	4806	5076	5279
14	B	3575	3693	3811	3929	4077	4236	4423	4583	4757	5036	5237
14	Q	3728	3851	3974	4096	4251	4426	4617	4790	4974	5262	5471
14	S	3796	3922	4046	4172	4335	4504	4699	4875	5058	5346	5557
14H	B	22.00	22.73	23.45	24.18	25.09	26.07	27.22	28.20	29.27	30.99	32.23
14H	Q	22.94	23.70	24.46	25.21	26.16	27.24	28.41	29.48	30.61	32.38	33.67

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14H	S	23.36	24.14	24.90	25.67	26.68	27.72	28.92	30.00	31.13	32.90	34.20
15	B	3718	3840	3963	4085	4266	4441	4614	4802	4982	5282	5491
15	Q	3879	4007	4135	4263	4449	4634	4822	5021	5206	5516	5739
15	S	3950	4081	4211	4341	4532	4716	4906	5106	5290	5603	5826
16	B	3891	4019	4147	4276	4467	4665	4857	5061	5263	5574	5797
16	Q	4060	4194	4328	4461	4665	4877	5080	5289	5500	5827	6063
16	S	4138	4275	4410	4547	4748	4961	5166	5373	5587	5909	6144
16H	B	23.94	24.73	25.52	26.31	27.49	28.71	29.89	31.14	32.39	34.30	35.67
16H	Q	24.98	25.81	26.63	27.45	28.71	30.01	31.26	32.55	33.85	35.86	37.31
16H	S	25.46	26.31	27.14	27.98	29.22	30.53	31.79	33.06	34.38	36.36	37.81
17	B	4077	4211	4345	4480	4686	4901	5110	5317	5532	5862	6096
17	Q	4253	4393	4534	4674	4898	5124	5337	5554	5782	6125	6373
17	S	4330	4473	4616	4758	4985	5210	5425	5640	5865	6215	6462
18	B	4291	4433	4574	4715	4942	5171	5408	5627	5854	6202	6452
18	Q	4481	4629	4777	4925	5168	5407	5653	5883	6118	6485	6743
18	S	4555	4706	4856	5006	5250	5491	5738	5969	6206	6566	6830
19	B	4522	4671	4820	4968	5221	5468	5720	5964	6212	6590	6853
19	J	4522	4671	4820	4968	5221	5468	5720	5964	6212	6590	6853
19	Q	4726	4882	5037	5193	5459	5711	5983	6232	6494	6885	7161
19	S	4805	4963	5122	5281	5545	5799	6068	6319	6579	6970	7248
20	B	4777	4934	5092	5249	5515	5770	6046	6309	6570	6969	7247
20	Q	4992	5156	5321	5486	5762	6034	6321	6592	6866	7286	7577
20	S	5071	5239	5406	5573	5848	6118	6404	6676	6951	7367	7662
21	B	5045	5211	5377	5544	5829	6111	6395	6686	6966	7400	7695
21	U	5045	5211	5377	5544	5829	6111	6395	6686	6966	7400	7695
21	Q	5272	5446	5620	5794	6092	6385	6683	6989	7282	7734	8043
21	S	5350	5526	5703	5879	6175	6468	6771	7074	7364	7819	8130

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22	B	5334	5509	5685	5861	6167	6466	6773	7086	7381	7841	8155
22	Q	5572	5756	5939	6123	6444	6761	7077	7404	7716	8194	8519
22	S	5653	5840	6025	6212	6525	6845	7161	7491	7804	8279	8611
23	B	5657	5844	6030	6217	6546	6882	7208	7539	7866	8364	8699
23	Q	5915	6111	6306	6500	6843	7193	7531	7882	8223	8737	9086
23	S	5991	6189	6386	6584	6926	7278	7617	7965	8308	8824	9174
24	B	6021	6220	6418	6617	6968	7335	7684	8041	8402	8930	9286
24	J	6021	6220	6418	6617	6968	7335	7684	8041	8402	8930	9286
24	Q	6293	6500	6709	6916	7285	7663	8033	8399	8780	9332	9706
24	S	6372	6582	6792	7002	7366	7746	8115	8487	8867	9416	9792
25	B	6419	6630	6842	7053	7437	7831	8221	8611	9004	9581	9964
25	J	6419	6630	6842	7053	7437	7831	8221	8611	9004	9581	9964
25	Q	6704	6926	7146	7367	7772	8178	8594	9003	9410	10012	10414
25	S	6783	7007	7231	7454	7857	8265	8675	9084	9491	10097	10504
26	B	6847	7073	7299	7525	7938	8360	8781	9191	9604	10223	10631
26	U	6847	7073	7299	7525	7938	8360	8781	9191	9604	10223	10631
26	Q	7179	7415	7652	7889	8316	8756	9198	9629	10058	10710	11138
26	S	7245	7484	7722	7961	8395	8841	9287	9720	10156	10816	11248
27	B	7310	7551	7793	8034	8472	8918	9369	9809	10250	10911	11349
27	J	7310	7551	7793	8034	8472	8918	9369	9809	10250	10911	11349
27	U	7310	7551	7793	8034	8472	8918	9369	9809	10250	10911	11349
27	Q	7641	7893	8145	8397	8854	9320	9796	10254	10714	11406	11863
28	B	7670	7923	8176	8429	8885	9357	9832	10293	10754	11450	11910
29	U	8050	8315	8580	8845	9326	9820	10317	10801	11285	12016	12495

Effective July 1, 2014
Bargaining Unit: RC-062

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S										
		<u>1c</u>	<u>1b</u>	<u>1a</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>
9	B	3027	3127	3227	3327	3430	3539	3649	3766	3877	4061	4223
9	Q	3151	3254	3358	3462	3568	3683	3796	3920	4037	4230	4401
9	S	3215	3321	3427	3533	3641	3759	3874	3999	4116	4311	4484
10	B	3124	3227	3330	3433	3559	3664	3785	3905	4025	4231	4402
10	Q	3250	3358	3465	3572	3702	3814	3944	4067	4195	4418	4594
10	S	3318	3427	3536	3645	3776	3891	4020	4144	4280	4500	4679
11	B	3240	3347	3453	3560	3681	3800	3938	4067	4194	4416	4592
11	Q	3371	3481	3592	3704	3836	3961	4102	4240	4373	4610	4793
11	S	3436	3550	3663	3777	3910	4036	4181	4319	4456	4692	4879
12	B	3371	3481	3592	3704	3840	3965	4114	4248	4405	4641	4826
12	Q	3508	3625	3740	3856	3998	4130	4289	4435	4595	4846	5041
12	S	3577	3694	3813	3931	4074	4208	4371	4520	4681	4933	5132
12H	B	20.74	21.42	22.10	22.79	23.63	24.40	25.32	26.14	27.11	28.56	29.70
12H	Q	21.59	22.31	23.02	23.73	24.60	25.42	26.39	27.29	28.28	29.82	31.02
12H	S	22.01	22.73	23.46	24.19	25.07	25.90	26.90	27.82	28.81	30.36	31.58
13	B	3498	3612	3728	3843	3984	4136	4290	4446	4614	4871	5063
13	Q	3642	3762	3883	4002	4148	4312	4481	4645	4816	5090	5294
13	S	3711	3834	3956	4078	4229	4396	4567	4727	4902	5178	5385
14	B	3647	3767	3887	4008	4159	4321	4511	4675	4852	5137	5342
14	Q	3803	3928	4053	4178	4336	4515	4709	4886	5073	5367	5580
14	S	3872	4000	4127	4255	4422	4594	4793	4973	5159	5453	5668
14H	B	22.44	23.18	23.92	24.66	25.59	26.59	27.76	28.77	29.86	31.61	32.87
14H	Q	23.40	24.17	24.94	25.71	26.68	27.78	28.98	30.07	31.22	33.03	34.34
14H	S	23.83	24.62	25.40	26.18	27.21	28.27	29.50	30.60	31.75	33.56	34.88

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NOTICE OF PEREMPTORY AMENDMENTS

15	B	3792	3917	4042	4167	4351	4530	4706	4898	5082	5388	5601
15	Q	3957	4087	4218	4348	4538	4727	4918	5121	5310	5626	5854
15	S	4029	4163	4295	4428	4623	4810	5004	5208	5396	5715	5943
16	B	3969	4099	4230	4362	4556	4758	4954	5162	5368	5685	5913
16	Q	4141	4278	4415	4550	4758	4975	5182	5395	5610	5944	6184
16	S	4221	4361	4498	4638	4843	5060	5269	5480	5699	6027	6267
16H	B	24.42	25.22	26.03	26.84	28.04	29.28	30.49	31.77	33.03	34.98	36.39
16H	Q	25.48	26.33	27.17	28.00	29.28	30.62	31.89	33.20	34.52	36.58	38.06
16H	S	25.98	26.84	27.68	28.54	29.80	31.14	32.42	33.72	35.07	37.09	38.57
17	B	4159	4295	4432	4570	4780	4999	5212	5423	5643	5979	6218
17	Q	4338	4481	4625	4767	4996	5226	5444	5665	5898	6248	6500
17	S	4417	4562	4708	4853	5085	5314	5534	5753	5982	6339	6591
18	B	4377	4522	4665	4809	5041	5274	5516	5740	5971	6326	6581
18	Q	4571	4722	4873	5024	5271	5515	5766	6001	6240	6615	6878
18	S	4646	4800	4953	5106	5355	5601	5853	6088	6330	6697	6967
19	B	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	J	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	Q	4821	4980	5138	5297	5568	5825	6103	6357	6624	7023	7304
19	S	4901	5062	5224	5387	5656	5915	6189	6445	6711	7109	7393
20	B	4873	5033	5194	5354	5625	5885	6167	6435	6701	7108	7392
20	Q	5092	5259	5427	5596	5877	6155	6447	6724	7003	7432	7729
20	S	5172	5344	5514	5684	5965	6240	6532	6810	7090	7514	7815
21	B	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849
21	U	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849
21	Q	5377	5555	5732	5910	6214	6513	6817	7129	7428	7889	8204
21	S	5457	5637	5817	5997	6299	6597	6906	7215	7511	7975	8293

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22	B	5441	5619	5799	5978	6290	6595	6908	7228	7529	7998	8318
22	Q	5683	5871	6058	6245	6573	6896	7219	7552	7870	8358	8689
22	S	5766	5957	6146	6336	6656	6982	7304	7641	7960	8445	8783
23	B	5770	5961	6151	6341	6677	7020	7352	7690	8023	8531	8873
23	Q	6033	6233	6432	6630	6980	7337	7682	8040	8387	8912	9268
23	S	6111	6313	6514	6716	7065	7424	7769	8124	8474	9000	9357
24	B	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	J	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	Q	6419	6630	6843	7054	7431	7816	8194	8567	8956	9519	9900
24	S	6499	6714	6928	7142	7513	7901	8277	8657	9044	9604	9988
25	B	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	J	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	Q	6838	7065	7289	7514	7927	8342	8766	9183	9598	10212	10622
25	S	6919	7147	7376	7603	8014	8430	8849	9266	9681	10299	10714
26	B	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844
26	U	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844
26	Q	7323	7563	7805	8047	8482	8931	9382	9822	10259	10924	11361
26	S	7390	7634	7876	8120	8563	9018	9473	9914	10359	11032	11473
27	B	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	J	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	U	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	Q	7794	8051	8308	8565	9031	9506	9992	10459	10928	11634	12100
28	B	7823	8081	8340	8598	9063	9544	10029	10499	10969	11679	12148
29	U	8211	8481	8752	9022	9513	10016	10523	11017	11511	12256	12745

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 14219, effective August 23, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: 104.205, 104.221, 104.244
- 4) Date Proposal published in Illinois Register: December 28, 2012, 36 Ill. Reg. 18090
- 5) Date Adoption published in Illinois Register: August 9, 2013, 37 Ill. Reg. 12838, effective July 24, 2013
- 6) Summary and Purpose of Expedited Correction: These Sections contain erroneous cross references to 89 Ill. Adm. Code 140.491(h). The correct cross reference is 89 Ill. Adm. Code 140.491(j). The effective date for the expedited correction is effective July 24, 2013.
- 7) Information and questions regarding this request shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

HFS.Rules@illinois.gov

The full text of the Expedited Correction begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.74	Surety Bonds
104.75	Immediate Suspension of a Vendor
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income

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- Tax Refunds or Other Joint Federal or State Payments
- 104.104 Conduct of Other Hearings
- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section
- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.205 Notice of Appeal for Ground Ambulance Service Provider
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend, Exclude or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments and Release of Withholds
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program

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104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation by Reference

SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
104.900	Unauthorized Use of Medical Assistance
104.910	Definitions
104.920	Applicability
104.930	Notice of Intent to Recover Money
104.940	Request for Hearing
104.950	Representation
104.960	Conduct of Hearings
104.970	Recommended Decision
104.980	Final Administrative Decision

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg.

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16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. 7530, effective May 7, 2012; amended at 36 Ill. Reg. 9086, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10195, effective July 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10172, effective June 27, 2013; amended at 37 Ill. Reg. 12838, effective July 24, 2013; expedited correction at 37 Ill. Reg. _____, effective July 24, 2013.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Section 104.205 Notice of Appeal for Ground Ambulance Service Provider

- a) Appeals filed by a Ground Ambulance Service Provider for the reasons set forth in 89 Ill. Adm. Code 140.491 ~~(j)(4)~~ shall proceed pursuant to this Section.
- b) The appeal process is initiated by the Ground Ambulance Service Provider filing a written, signed request for appeal with the Department's Bureau of Comprehensive Health Services within 60 calendar days after the date of the decision rendered pursuant to 89 Ill. Adm. Code 140.491 ~~(j)(4)~~ is received by the Ground Ambulance Service Provider.
- c) The request for appeal shall include:
 - 1) a copy of the decision issued by the Department or its agent;
 - 2) proof of the date the decision is received;
 - 3) a brief statement of the issue on appeal; and
 - 4) documentation supporting the appeal request. Any documentation that was not previously submitted to the Department or its agent prior to the decision rendered in 89 Ill. Adm. Code 140.491 ~~(j)(4)~~ must be designated as not having been previously submitted.
- d) The Bureau of Comprehensive Health Services or its prior approval agent shall conduct an informal review of the request for appeal, including a review of all documentation submitted under subsection (c) and within 60 calendar days issue the Department's written decision (the 205(d) decision) to reverse, modify or affirm the Department's initial decision.
- e) If the Department's initial decision is affirmed, the Ground Ambulance Service Provider may request a hearing on the Department's 205(d) decision in accordance with Section 104.210 by filing a written, signed request for a hearing with the Office of General Counsel-Bureau of Administrative Hearings-Vendor Hearings Section and the Office of Inspector General-Bureau of Administrative Litigation.
 - 1) This request for hearing must be received by the Department within 10 days after the date on which the Department's 205(d) decision is received

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by the Ground Ambulance Service Provider. If such a request is not received by the Department within 10 days, or is received but later withdrawn, the Department's 205(d) decision shall be a final and binding administrative determination.

- 2) Upon timely request for hearing, the Bureau of Administrative Hearings shall conduct an administrative hearing in accordance with Sections 104.220 through 104.295, as applicable.
- 3) Documentary evidence submitted for the hearing shall be limited to documents submitted to the Department or its prior approval agent for informal review in accordance with Section 104.205(d) unless good cause is shown.

(Source: Expedited correction at 37 Ill. Reg. _____, effective July 24, 2013)

Section 104.221 Issues at Hearings

- a) The sole issue at a hearing in which the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing in which the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he or she should be admitted to the Medical Assistance Program.
- c) Effective July 1, 2012, the only issues at a hearing in which the basis of the denial of an application is as set forth in:
 - 1) 89 Ill. Adm. Code 140.14(e)(1) shall be whether the applicant or any person with management responsibility for the applicant, an officer or member of the board of directors of the applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant, an owner of a sole proprietorship applicant, a partner in a partnership applicant, or a technical or other advisor to the applicant has a debt owed to the Department and/or

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whether payment arrangements acceptable to the Department have been made by the applicant.

- 2) 89 Ill. Adm. Code 140.14(e)(2) shall be whether the applicant or any person with management responsibility for the applicant, an officer or member of the board of directors of the applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant, an owner of a sole proprietorship applicant, a partner in a partnership vendor applicant, or a technical or other advisor to the applicant was a person with management responsibility, an officer or member of the board of directors of an applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, an owner of a sole proprietorship, a partner in a partnership vendor, or a technical or other advisor to a vendor during the period of time when the conduct of that vendor resulted in a debt owed to the Department and/or whether payment arrangements acceptable to the Department have been made by that vendor.
- 3) 89 Ill. Adm. Code 140.14(e)(3) shall be whether the allegation of the use, transfer or lease of assets of any kind to the applicant from a current or prior vendor who has a debt owed to the Department is credible, whether payment arrangements acceptable to the Department have been made by that vendor or the vendor's alternate payee, and/or whether the applicant knows or should have known of the debt.
- 4) 89 Ill. Adm. Code 140.14(e)(4) shall be whether the allegation of a transfer of management responsibilities, or direct or indirect ownership, to an applicant from a current or prior vendor who has a debt owed to the Department is credible, whether payment arrangements acceptable to the Department have been made by that vendor or the vendor's alternate payee, and/or whether the applicant knows or should have known of the debt.
- 5) 89 Ill. Adm. Code 140.14(e)(5) shall be whether the allegation of the use, transfer or lease of assets of any kind to an applicant who is a spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, relative by marriage, or relative of a current or prior

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vendor who has a debt owed to the Department is credible and/or whether payment arrangements acceptable to the Department have been made.

- 6) 89 Ill. Adm. Code 140.14(e)(6) shall be whether the allegation that the applicant's previous affiliations with a provider of medical services that has an uncollected debt, a provider that has been or is subject to a payment suspension under a federal health care program, or a provider that has been previously excluded from participation in the Medical Assistance Program poses a risk of fraud, waste or abuse to the Department is credible.
- d) The sole issue at a hearing in which the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or authorization.
- e) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether the vendor has corrected the deficiencies on which the suspension was based.
- f) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- g) The only issue at a hearing initiated pursuant to 89 Ill. Adm. Code 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission.
- h) Effective July 1, 2012, the sole issue at a hearing requested by a person or entity with a debt due the State pursuant to Section 12-4.25(F-15)(3) of the Public Aid Code shall be whether the person or entity has failed to comply with judgment on which the debt is based.
- i) The only issue at a hearing initiated pursuant to Section 104.205 and 89 Ill. Adm. Code 140.491(j)(h) is whether the Department was in error when it denied a request for approval for payment of non-emergency transportation by means of ground ambulance service or granted a request for approval of non-emergency transportation by means of ground ambulance service at a level of service that

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entitles the Ground Ambulance Service Provider to a lower level of compensation than the Ground Ambulance Service Provider would have received as compensation for the level of service requested.

(Source: Expedited correction at 37 Ill. Reg. _____, effective July 24, 2013)

Section 104.244 Burden of Proof

- a) Effective July 1, 2012, the burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.14 shall be on the Department if the application was denied because the vendor engaged in activities that constitute grounds for termination or was denied pursuant to 89 Ill. Adm. Code 140.14(c). The burden of proof shall be on the applicant if the application was denied because of:
 - 1) a determination that a previously terminated or barred vendor cannot reasonably be expected to meet the requirements of the Department;
 - 2) a determination that, based on the activities that served as the basis for terminating or barring a vendor, the application should not be approved; or
 - 3) denial of the eligibility of the applicant pursuant to 89 Ill. Adm. Code 140.14(e).
- b) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.15 or Subpart D of this Part shall be on the Department.
- c) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.16 shall be on the Department.
- d) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.32 shall be on the party seeking special permission, and in hearings conducted pursuant to 89 Ill. Adm. Code 140.19(b) shall be on the vendor.
- e) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect to that new matter shall be upon the party that alleges the new matter.
- f) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.491(j)(h) shall be on the Ground Ambulance Service Provider.

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- g) The standard of proof with respect to all hearings conducted pursuant to this Part shall be a preponderance of the evidence.

(Source: Expedited correction at 37 Ill. Reg. _____, effective July 24, 2013)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Enterprise Zone and High Impact Business Programs
- 2) Code Citation: 14 Ill. Adm. Code 520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
520.100	Withdraw
520.200	Withdraw
520.210	Withdraw
520.220	Withdraw
520.230	Withdraw
520.240	Withdraw
520.250	Withdraw
520.300	Withdraw
520.310	Withdraw
520.315	Withdraw
520.320	Withdraw
520.400	Withdraw
520.410	Withdraw
520.420	Withdraw
520.700	Withdraw
520.900	Withdraw
520.910	Withdraw
520.1000	Withdraw
520.1010	Withdraw
520.1200	Withdraw
520.1300	Withdraw
520.1400	Withdraw
- 4) Date Notice of Proposed Amendments Published in the *Illinois Register*:
37 Ill. Reg. 4411; April 12, 2013
- 5) Reason for the Withdrawal: Public Act 98-109 (Effective Date: 7/25/2013) made multiple, substantive changes to the Enterprise Zone Act, which rendered the original emergency rules inconsistent with the Act's amended provisions. PA 98-109 also extended the time period for DCEO filing emergency rules, which indicates that the General Assembly's intent that new emergency rules be filed.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED AMENDMENT

- 1) Heading of Part: Illinois Film Production Services Tax Credit Program
- 2) Code Citation: 14 Ill. Adm. Code 528
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
528.20	Amend
528.30	Amend
528.62	Amend
528.63	Amend
528.70	Amend
528.75	Amend
- 4) Date Notice of Proposed Amendment published in the *Illinois Register*: July 13, 2012; 36 Ill. Register 9823
- 5) Date JCAR Statement of Recommendation published in the *Illinois Register*: July 26, 2013; 37 Ill. Register 12110
- 6) Agency Response to Joint Committee Recommendations: The Illinois Film Office appreciates JCAR's recommendation that the Illinois Film Office submit rule changes in a more timely fashion when a statute change occurs. The Illinois Film Office will certainly heed this recommendation for any future rulemaking updates.

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 20, 2013 through August 26, 2013. The rulemakings are scheduled for review at the Committee's September 17, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/3/13	<u>Department of Public Health</u> , Swimming Facility Code (77 Ill. Adm. Code 820)	6/28/13 37 Ill. Reg. 8223	9/17/13
10/4/13	<u>Department of Financial and Professional Regulation</u> , Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)	6/28/13 37 Ill. Reg. 8171	9/17/13
10/5/13	<u>Department of State Police</u> , Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)	7/5/13 37 Ill. Reg. 9462	9/17/13
10/6/13	<u>Department of Children and Family Services</u> , Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401)	5/24/13 37 Ill. Reg. 6927	9/17/13
10/6/13	<u>Department of Children and Family Services</u> , Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)	5/24/13 37 Ill. Reg. 6962	9/17/13
10/6/13	<u>Department of Children and Family Services</u> , Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)	5/14/13 37 Ill. Reg. 6939	9/17/13
10/9/13	<u>Health Facilities and Services Review Board</u> , Narrative and Planning Policies (77 Ill. Adm. Code 1100)	4/5/13 37 Ill. Reg. 3934	9/17/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/9/13	<u>Health Facilities and Services Review Board,</u> Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)	4/5/13 37 Ill. Reg. 3982	9/17/13
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PROCLAMATIONS

2013-269**Punjabi Sports Festival Day**

WHEREAS, throughout our nation's history, sports have served as a forum for promoting friendship, solidarity, fair play, teamwork, and competition; and,

WHEREAS, the State of Illinois encourages physical fitness, public participation in athletic activities, and the effort to lead a healthy lifestyle; and,

WHEREAS, the Punjabi Cultural Society of Chicago has created an Annual Sports Festival and is dedicated to promoting exercise and healthy lifestyles while showcasing and developing athletic activity in the Land of Lincoln; and,

WHEREAS, this year's festival will include volleyball, basketball, yoga, bhangra aerobics, senior races, kokla shapaki, kids events, and many more activities; and,

WHEREAS, the many games and competitions planned for this year's festival are certain to provide hours of fun and entertainment, not only for individuals who are participating, but also for spectators who are gathered to cheer on these talented young athletes; and,

WHEREAS, on Saturday, July 27, 2013, the Punjabi Cultural Society of Chicago's 19th Annual Sports Festival will take place; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 27, 2013, as PUNJABI SPORTS FESTIVAL DAY in Illinois, in recognition of this annual event and in support of advancing health and athletics in the Land of Lincoln.

Issued by the Governor July 22, 2013

Filed by the Secretary of State August 21, 2013

2013-270**Dr. Willie Wilson's Singation! Day**

WHEREAS, in times of peril both at home and abroad, many Americans turn to prayer for help and guidance; and,

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and,

PROCLAMATIONS

WHEREAS, gospel music is the expression of prayer and worship through the beautiful art of music, and gospel musicians possess a special commitment to spreading their spirituality; and,

WHEREAS, gospel musicians not only enrich people's lives, but also do much to promote the value of strong faith and religious belief; and,

WHEREAS, one such musician is Dr. Willie Wilson, whose "Singsation!" gospel music television show airs in 60,000,000 households every Sunday at 5:30AM; and,

WHEREAS, the State of Illinois congratulates Dr. Wilson the 26th Anniversary of Singsation!; and,

WHEREAS, for the past twenty-six years, Singsation! has been an excellent opportunity to listen to joyous music and provide viewers with necessary spiritual guidance; and,

WHEREAS, over the years Singsation! has touched the lives of many community members, families, and audiences; and,

WHEREAS, the long history of Singsation! is truly a testament to the strength of Dr. Willie Wilson and that of its staff and supporters; and,

WHEREAS, this anniversary is an opportunity for all to celebrate the success of Singsation!, while also reaffirming the faith and dedication that has supported this program for twenty-six years; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 28, 2013 as **DR. WILLIE WILSON'S SINGSATION! DAY** in Illinois, and encourage everyone to use this occasion to reflect on all the good that Singsation! has done throughout its accomplished history.

Issued by the Governor July 23, 2013

Filed by the Secretary of State August 21, 2013

2013-271**Thomas Lincoln Day**

WHEREAS, Thomas Lincoln, born January 6th, 1778 in Rockingham County, Virginia, fathered Abraham Lincoln, the sixteenth President of the United States of America; and,

WHEREAS, a well-respected member of his community and church, Thomas lived as a skilled carpenter and farmer, firstly abiding by Kentucky law and enrolling in a militia; and,

PROCLAMATIONS

WHEREAS, like much of his lineage, Thomas was a soldier; enrolling himself in the Washington County Militia at 17 years old, he joined the 4th Regiment to soldier as Private Lincoln in Captain John Ewing's Company from June 8th, 1795 to July 7, 1795, where he fought against Indian raids on the borders of Kentucky; and,

WHEREAS, from July 7th, 1795 to August 5th, 1795, Thomas served on similar expeditions under Lieutenant Philip Washburn; and,

WHEREAS, after moving to Hardin County, Kentucky, and saving his money as he worked as a skilled carpenter for Samuel Haycraft, Senior, he purchased 238 acres of farmland. Further proving to be a responsible citizen in his community, Militia officers had recognized his strong leadership and offered him a position as an officer; and,

WHEREAS, as a veteran, Thomas joined the 3rd Regiment of the Hardin County Militia, and was commissioned an Ensign of that regiment on September 17, 1805 for his leadership ability and experience. The rank of Ensign would later be known as 2nd Lieutenant; and,

WHEREAS, after Thomas's passing at his Goosenest Prairie home, he was buried in Shiloh—referred to as the Gordon Cemetery, in Coles County, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 31st, 2013 as **THOMAS LINCOLN DAY** in Illinois, in order to better learn of the legacy of one of our State's and Nation's heroes and of a hardworking American individual. Let Thomas Lincoln's determination and fortitude ring as true as his son's has.

Issued by the Governor July 23, 2013

Filed by the Secretary of State August 21, 2013

2013-272**National Elevator Escalator Safety Awareness Week**

WHEREAS, an elevator is defined as a permanent hoisting and lowering mechanism with a car, and an escalator is defined as a continuous moving stairway; and,

WHEREAS, every year in the United States, approximately 30 casualties and 17,000 serious injuries are caused by escalator and elevator accidents; and,

WHEREAS, of these incidents, 90% are fatalities that result from individuals being caught between elevators, within elevator equipment, elevator collapses or tripping while entering or exiting an elevator; and,

PROCLAMATIONS

WHEREAS, an estimated 800,000 elevators and 30,000 escalators are currently in operation in the United States; and,

WHEREAS, the purpose of National Elevator Escalator Safety Awareness Week is to increase public awareness of the safe and proper use of elevators, escalators and moving walkways in hopes of reducing through education avoidable accidents and fatal injuries; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 10-16, 2013 as **NATIONAL ELEVATOR ESCALATOR SAFETY AWARENESS WEEK** in Illinois, and encourage all citizens to fully participate in this observance and improve the quality of life throughout the State.

Issued by the Governor July 24, 2013

Filed by the Secretary of State August 21, 2013

2013-273**PANDA/PANS Awareness Day**

WHEREAS, PANDAS, Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections, is the sudden onset of OCD often displayed as severe anxiety and emotional disturbances plus two or more of the following symptoms: tics or other abnormal movements; severe separation anxiety, generalized anxiety; irritability, emotional liability, aggression, personality changes; ADHD, inability to concentrate; sensory sensitivities; deterioration in learning abilities and school performance; developmental and age regression (including deterioration in handwriting); sleep and nighttime difficulties; and/or urinary frequency or daytime/nighttime secondary enuresis; symptoms that are often debilitating and devastating for families; and,

WHEREAS, the onset of symptoms is corresponding to an infection, usually strep; children with PANDAS may have moderate to dramatic improvement with early diagnosis and swift treatment with antibiotics, however, further interventions may be needed; and,

WHEREAS, with concerted research efforts, a standard treatment protocol may be developed, however at this time many parents and doctors report use of prophylactic antibiotics and/or IVIG (intravenous immunoglobulin) treatment or plasmapheresis to be effective; and,

WHEREAS, the insurance industry does not recognize or cover the current gold standard treatments of IVIG (intravenous immunoglobulin) and plasmapheresis; and,

PROCLAMATIONS

WHEREAS, PITAND, Pediatric Infection-Triggered Autoimmune Neuropsychiatric Disorders, is similar to PANDAS in terms of presentation; however, it consists of a broader list of possible triggers, not only strep; triggers may include Mycoplasma Pneumonia, Mono, Lyme, viruses, and more; and,

WHEREAS, PANS, Pediatric Acute-onset Neuropsychiatric Syndrome, is broader than PANDAS and PITAND as it includes not only disorders associated with a preceding infection, but also acute onset non-infectious triggers, such as environmental factors and metabolic dysfunction; no treatment plan for this syndrome has been defined at this time, but treatment plans similar to PANDAS should be attempted; and,

WHEREAS, the families of children diagnosed with PANDAS/PITAND/PANS endure many hardships medically, educationally, social-emotionally, and financially; and,

WHEREAS, a conservative estimate of the prevalence of PANDAS/PITAND/PANS cases in the United States alone is 162,000 (as compiled by the PANDAS Network); however, the true prevalence of PANDAS/PITAND/PANS is not known; and,

WHEREAS, PANDAS/PITAND/PANS is likely as common as illnesses like pediatric cancer or pediatric diabetes, but is also often misdiagnosed as ADHD, sensory processing deficits, bi-polar disorder, learning disabilities, Tourette Syndrome, strict OCD, and/or pervasive developmental disorders/autism spectrum disorders and can seriously affect the healthy outcome of a child's life; and,

WHEREAS, The PANDAS Parent Support of Illinois group strives to build public awareness of PANDAS/PITAND/PANS, provide ongoing family support, as well as gather and disseminate resources to families affected by the disorder; and,

WHEREAS, it is imperative that there be greater public awareness of this serious health issue, and more must be done to increase activity at the local, state and national levels; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9, 2013 as **PANDAS/PANS AWARENESS DAY** in Illinois, in order to raise awareness about PANDAS/PANS.

Issued by the Governor July 24, 2013

Filed by the Secretary of State August 21, 2013

2013-274

Mayor Alan Gaffner Day

PROCLAMATIONS

WHEREAS, Americans are served every single day by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, one such individual is Alan Gaffner, the current Mayor of Greenville, Illinois, who has also selflessly served Greenville Regional Hospital over the past 33 years in the positions of Public Affairs Director and Director of Legislative Affairs and Volunteer Service; and,

WHEREAS, throughout his time as a public servant, Mayor Alan Gaffner has positively impacted many people, enabling them to achieve their full potential; and,

WHEREAS, Mayor Alan Gaffner will be leaving his position at Greenville Regional Hospital after more than three decades of service; and,

WHEREAS, Mayor Alan Gaffner's tenure at Greenville Regional Hospital offers an opportunity for all residents of Illinois to commend his honorable and dedicated service and reflect on his many accomplishments; and,

WHEREAS, while serving as Public Affairs Director, Mayor Alan Gaffner's duties included coordinating media relations, public relations, marketing, fund raising, employee relations activities, and special events; and,

WHEREAS, in his role as Director of Legislative Affairs and Volunteer Service, Mayor Alan Gaffner was responsible for coordinating numerous projects sponsored by the Greenville Regional Hospital Auxiliary, serving as the Co-Coordinator of the annual Health Fair, assisting with various charitable giving activities, and developing public policy initiatives with local, state, and federal government representatives; and,

WHEREAS, Alan Gaffner has been elected Mayor for four terms, most recently in 2013, and is now serving in his 11th year as Mayor of the City of Greenville; and,

WHEREAS, in addition to his work in government, Mayor Alan Gaffner has demonstrated his dedication to improving the quality of life for others through his service to the Greenville College Alumni Board, Greenville First United Methodist Church, and Illinois Health Care Association; and,

WHEREAS, Mayor Alan Gaffner has been elected as a member of the Illinois Health Care Association, where he currently serves as Secretary of the Board; and,

WHEREAS, Mayor Alan Gaffner's efforts have undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues and the mark that he leaves behind will serve as a foundation for the future; and,

PROCLAMATIONS

WHEREAS, Mayor Alan Gaffner's commitment to public service has helped to make our state stronger and has served as an inspiration to the people of the Land of Lincoln; and,

WHEREAS, Mayor Alan Gaffner's work ethic has exemplified the dedication to service the citizens of Greenville and the State of Illinois have come to expect and deserve; and,

WHEREAS, perhaps most importantly, Mayor Alan Gaffner has been a dedicated husband to wife Lori, and loving father to Ben and twin 15 year-old daughters, Emily and Hannah; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 4, 2013 as **MAYOR ALAN GAFFNER DAY** in Illinois, and do hereby commend him on all of his accomplishments at Greenville Regional Hospital, and recognize his service to the citizens of Greenville and the State of Illinois.

Issued by the Governor July 25, 2013

Filed by the Secretary of State August 21, 2013

2013-275**Plasma Protein Therapies Week**

WHEREAS, October 13-20, 2013 marks International Plasma Awareness Week with observances throughout the United States and Europe designed to raise global awareness of the need for source plasma collection, recognize the contributions of plasma donors to saving and improving lives and to increase understanding about lifesaving plasma protein therapies and rare diseases; and,

WHEREAS, lifesaving plasma-delivered and recombinant blood clotting factors, collectively known as plasma protein therapies are unique, biologic products for which no substitute therapies exist; and,

WHEREAS, plasma protein therapies exist, save and improve lives of individuals throughout the world; and,

WHEREAS, plasma protein therapies are used to treat many conditions including bleeding disorders, primary immunodeficiency diseases, Alpha-1 antitrypsin deficiency and certain rare neurological disorders; and,

WHEREAS, these therapies are also used in emergency and surgical medicine to save and improve lives; and,

PROCLAMATIONS

WHEREAS, these therapies have significantly improved the quality of life, markedly improved patient outcomes, extended life expectancy for individuals with rare diseases, specifically those with plasma protein disorder; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13-20, 2013 as **PLASMA PROTEIN THERAPIES WEEK** in Illinois, in celebration of the biological contributions of Plasma Protein Therapies.

Issued by the Governor July 26, 2013

Filed by the Secretary of State August 21, 2013

2013-276

Canavan Disease Awareness Month

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 18th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, on October 12, 2013, Canavan Research Illinois will hold the 15th Annual Canavan Charity Ball. This year's Ball is being held in honor of Max Randell's 16th birthday, a momentous milestone for this young man living with Canavan disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor July 26, 2013

Filed by the Secretary of State August 21, 2013

2013-277

Dennis Farina Day

PROCLAMATIONS

WHEREAS, Illinois is a leader in supporting the arts, and acting has always been an important component of the artistic fabric of our state; and,

WHEREAS, one of the most successful actors to come from the Land of Lincoln was Dennis Farina, who was born in Chicago to a Sicilian-American family on February 29, 1944; and,

WHEREAS, Dennis Farina is unique in that he did not start acting until he was 37 years old, after serving in the military for 3 years and working for the Chicago Police Department for 18 years, where he spent most of his time in the burglary division; and,

WHEREAS, while still working in the burglary division, Dennis Farina's big break came when he was hired by director Michael Mann for the movie "Thief" (1981). This movie received critical acclaim, and they would go on to work together many times in the future; and,

WHEREAS, after "Thief," Dennis Farina started acting in Chicago theater before being cast by Mann in a lead role for the 1986 TV series "Crime Story"; and,

WHEREAS, Dennis Farina has acted in numerous other films including "Reindeer Games," "Paparazzi," "Midnight Run," and "Manhunter"; and,

WHEREAS, more recently, Dennis Farina appeared in the feature films "The Grand," "Bottle Shock," and "What Happens in Vegas." In addition, he also appeared on the NBC Series "Law and Order" and in the HBO mini-series, "Empire Falls," for which he won a Golden Globe Award for Best Mini-Series; and,

WHEREAS, on July 22, 2013, in Scottsdale, Arizona, Dennis Farina passed away at the age of 69; and,

WHEREAS, Dennis Farina's warmhearted nature, passion for acting, and great sense of humor were evident to everyone who had the pleasure of meeting him; and,

WHEREAS, his personality was formed in Chicago and, despite his remarkable accomplishments, he always remained loyal to his hometown; and,

WHEREAS, Dennis Farina is survived by many loving friends and family members including three sons, several grandchildren, and his longtime partner, Marianne Cahill; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 29, 2013 as **DENNIS FARINA DAY** in Illinois, in recognition of his tremendous contributions to the

PROCLAMATIONS

entertainment industry as an actor, and in remembrance of his years of public service to the Chicago Police Department and commitment to the Land of Lincoln.

Issued by the Governor July 29, 2013

Filed by the Secretary of State August 21, 2013

2013-278**Illinois Flag Display Act – Officer Shamekia Goodwin-Badger**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Saturday, July 27, 2013 Wheeling Police Officer Shamekia Goodwin-Badger was abruptly taken from us at the age of 33; and,

WHEREAS, Officer Shamekia Goodwin-Badger joined the Wheeling Police Department in 2008 after working for four years as an officer in Hawthorn Woods; and,

WHEREAS, during her time with the Wheeling Police Department, Officer Shamekia Goodwin-Badger worked the midnight shift and specialized as a youth officer and evidence technician; and,

WHEREAS, Officer Shamekia Goodwin-Badger was also a decorated Army veteran, with service in Kuwait and Iraq; and,

WHEREAS, Officer Shamekia Goodwin-Badger was a well-known member of the community and loving sister, mother, and friend who will always be remembered for the countless lives that she impacted; and,

WHEREAS, throughout her career in law enforcement, Officer Shamekia Goodwin-Badger represented the State of Illinois admirably; and,

WHEREAS, a memorial service will be held on Wednesday, July 31, 2013 for Officer Shamekia Goodwin-Badger, who is survived by her sisters Lakisha Owens and Lisa Washington, daughter Kendra Badger, as well as many other loving family members and friends; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until

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sunset on Wednesday, July 31, 2013 in honor and remembrance of Officer Shamekia Goodwin-Badger, whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor July 30, 2013

Filed by the Secretary of State August 21, 2013

2013-279**Lake Petersburg Founder's Day**

WHEREAS, the Sangamon Valley was home to many Native American tribes, followed by pioneers who tilled the rich, fertile soil; and,

WHEREAS, the Sangamon Valley was also home to Abraham Lincoln who settled in New Salem, studied law, and was elected to the Illinois General Assembly and eventually the United States Presidency; and,

WHEREAS, the town of Petersburg, originally surveyed by Abraham Lincoln, became the county seat of Menard County; and,

WHEREAS, Abraham Lincoln often walked through the Sangamon Valley between New Salem and Petersburg; and,

WHEREAS, more than a century later, a group of local citizens stated as their vision for these rolling hills "...to create a local community for families that would transcend the years, and provide sanctuary for wildlife and native species."

WHEREAS, in 1960, the Lake Petersburg Association was formed and a site was chosen for development; and,

WHEREAS, in 1963, work was completed and Lake Petersburg was built without the use of any federal, state or local funding; and,

WHEREAS, Lake Petersburg is today a thriving lake community consisting of 371 homes nestled on a tranquil 200-acre reservoir enjoying abundant flora and fauna; and,

WHEREAS, the residents of Lake Petersburg have displayed a strong sense of stewardship by planting prairie grasses to control run-off and native aquatic plants to curb erosion, and by discouraging use of phosphorus fertilizers to foster a healthy lake; and,

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WHEREAS, now in its 50th year, Lake Petersburg still embodies the aims of its Founders and its residents enjoy a high quality of life in a tranquil, beautiful environment; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 1, 2013 as **LAKE PETERSBURG FOUNDER'S DAY**, in recognition of the innovative spirit of those visionaries who founded Lake Petersburg and to mark the historic occasion of its 50th anniversary.

Issued by the Governor July 30, 2013

Filed by the Secretary of State August 21, 2013

2013-280**Principals Week and Principals Day**

WHEREAS, school principals play an important role in the education and growth of children in elementary, middle, and secondary schools across the State of Illinois; and,

WHEREAS, school principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and,

WHEREAS, it is the responsibility of the State of Illinois to preserve and improve resources for schools so that all students have the opportunity to receive a quality education and foundation for a successful future; and,

WHEREAS, the Illinois Principals Association, which represents 4,400 educational leaders statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and,

WHEREAS, for that reason, the Illinois Principals Association is dedicated to advancing student learning through effective and innovative educational leadership development; and,

WHEREAS, educational leaders face many challenges in educating our young people and it is through their perseverance and passion that Illinois is able to continue to produce quality, career ready students; and,

WHEREAS, we must continue to encourage, support, and recognize those who have a positive impact on Illinois students' and the educational system in the Land of Lincoln; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of October 20-26, 2013 as **PRINCIPALS WEEK** and October 25, 2013 as **PRINCIPALS DAY** in

PROCLAMATIONS

Illinois, to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

Issued by the Governor July 30, 2013

Filed by the Secretary of State August 21, 2013

2013-281
Geothermal Day

WHEREAS, geothermal systems are the most energy efficient heating and cooling systems available today, and geothermal takes advantage of the earth's free energy, offering energy savings of 50 percent or greater; and,

WHEREAS, the Geothermal Alliance of Illinois is the state's primary organization advocating this renewable energy technology in the Land of Lincoln; and,

WHEREAS, the GAOI and its leaders are organizing the Illinois Geothermal Tour on Saturday, September 21, 2013, offering geothermal open house events across the state; and,

WHEREAS, Illinois residents who want to learn more about this energy efficient technology can witness geothermal systems in operation at homes and businesses across the state that are a part of the Illinois Geothermal Tour; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Saturday, September 21, 2013 to be **GEOTHERMAL DAY** in Illinois, and urge residents of our state to learn more about this renewable energy technology.

Issued by the Governor August 1, 2013

Filed by the Secretary of State August 21, 2013

2013-282
Manufacturing Month

WHEREAS, the manufacturing industry in the United States makes significant contributions to our local, state, and national economies; and,

WHEREAS, manufacturing in Illinois has been the historical bedrock of the state's economy for nearly two centuries; and,

WHEREAS, the State of Illinois is fortunate to have over 14,000 manufacturing establishments in a wide range of areas including machinery, food and beverages, fabricated metal products,

PROCLAMATIONS

chemical manufacturing, petroleum and coal products, and computer and electronic products; and,

WHEREAS, the manufacturing sector is driving economic growth in Illinois and creating solid, middle-class jobs; and,

WHEREAS, according to the most recent data, Illinois has added over 197,000 jobs, including 25,000 manufacturing jobs since the beginning of 2010 - the best growth rate in the Midwest; and,

WHEREAS, manufacturers in Illinois account for over 13.2 percent of the total output in the state, employing 10.2 percent of the workforce; and,

WHEREAS, manufacturing is the primary source of Illinois exports, accounting for 93 percent of all exports; and,

WHEREAS, manufacturing in Illinois provides not only jobs, but skilled, well-paying jobs; according to the National Association of Manufacturers, manufacturing compensation is on average 18% higher than other non-farm employers; and,

WHEREAS, one of the most important tools for any business to remain competitive in a 21st century economy is a well-trained workforce, and Illinois continues to make strategic investments in training and support services to improve the competitiveness of Illinois workers, who are among the most productive in the nation; and,

WHEREAS, through programs such as the Employer Training Investment Program (ETIP), the Job Training and Economic Development Program (JTED), the State Energy Sector Partnership (SESR), the Illinois Entrepreneurship Network (IEN), and resources led by the Manufacturing STEM Learning Exchange, the Illinois Manufacturing Excellence Center (IMEC), the Illinois Manufacturers' Association and many others, Illinois is providing its manufacturers with key business tools to improve their bottom line and further enhance the state's business climate; and,

WHEREAS, just this year, the Illinois Manufacturing Lab was announced, providing an innovative, public-private approach to advanced manufacturing; the lab will serve as a hub for companies to learn the world's most sophisticated tools and software, keeping Illinois at the cutting-edge of advanced manufacturing; and,

WHEREAS, Illinois' manufacturing sector is, and always will be, an integral part of our economy and preserves Illinois' position as a top competitor in today's global marketplace; and,

PROCLAMATIONS

WHEREAS, an unfortunate public perception exists about manufacturing that industrial jobs are not desirable, on the contrary, modern advanced manufacturing relies on clean, well-lit and climate controlled environments and provides complete benefits to all employees including healthcare and retirement plans; and,

WHEREAS, October 4, 2013 is National Manufacturing Day; and,

WHEREAS, during the entire month of October, manufacturers, educational institutions, and other organizations throughout Illinois will host events to highlight the importance of manufacturing to our state's economy, draw attention to the many rewarding jobs in the manufacturing field, and improve general public perception of manufacturing careers by holding open houses, public tours, career workshops, and business-school partnerships, while also introducing manufacturers to business improvement resources and services; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **MANUFACTURING MONTH** in Illinois, and encourage all residents, students, parents, educators, media, customers, suppliers and the community at large to recognize the importance of ensuring a thriving manufacturing sector throughout the Land of Lincoln by investing time and resources to assure success of manufacturing month activities.

Issued by the Governor August 1, 2013

Filed by the Secretary of State August 21, 2013

2013-283**Martha Jackson Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

PROCLAMATIONS

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Martha Jackson of Litchfield; and,

WHEREAS, Martha Jackson serves as Montgomery County's representative to the Illinois Route 66 Association; and,

WHEREAS, Martha Jackson recently celebrated the opening of Litchfield Museum and Route 66 Welcome Center along that historic road. A retired music teacher, Jackson took the role of president of the group that created this new facility in less than two years, in part as an honor to her late husband, David, who had an interest in local history; and,

WHEREAS, Martha Jackson is active in other community organizations, and has co-chaired a project to publish an extensive Litchfield history at the time of the town's sesquicentennial; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 12, 2013 as **MARTHA JACKSON DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 1, 2013

Filed by the Secretary of State August 21, 2013

2013-284**Pro Se Court Day**

WHEREAS, pro se is Latin for "himself" or "on one's own behalf"; Pro se legal representation refers to representing oneself instead of using a lawyer; and,

WHEREAS, Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, which was proposed by the First Congress and signed by President Washington, stated that "in all courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel"; and,

WHEREAS, since 1992, the number of pro se litigants have steadily risen across the nation and those who represent themselves are more likely to be satisfied with the judicial process; and,

WHEREAS, pro se litigants are often seen in civil court; usually, litigants represent themselves because they could not afford a lawyer, did not wish to hire one, believed their case was simple enough that one was not needed, or felt that no one understood the details of their case; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the September 18, 2013 as **PRO SE COURT DAY** in Illinois, in order to raise awareness about the Pro Se Court System.

Issued by the Governor August 1, 2013

Filed by the Secretary of State August 21, 2013

2013-285**Women's Business Development Day**

WHEREAS, there are over 8.1 million women-owned businesses in the U.S., employing over 7.6 million workers and generating more than \$1.2 billion in revenues; and,

WHEREAS, more than 350,000 of those women-owned businesses are located in Illinois; and,

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and,

WHEREAS, the WBDC was founded in 1986 by S. Carol Dougal and Hedy M. Ratner, and is now celebrating its third decade of commitment to meeting the demands of women entrepreneurs for greater opportunities in business ownership and development; and,

WHEREAS, the WBDC has put forth creative and innovative approaches to empowering women and their families, influencing the larger political and economic environment in a way that encourages and supports women's economic empowerment; and,

WHEREAS, since its inception, more than 70,000 women business owners have used the programs and services provided by the WBDC; and,

WHEREAS, these services include one-on-one counseling, workshops, and entrepreneurial training, as well as programs focused on finance, certification and capacity building, procurement and technical assistance, and child care; and,

WHEREAS, the Women's Business Development Center will hold its 27th Annual Entrepreneurial Woman's Conference on September 26, 2013 at Chicago's McCormick Place, Lakeside Center; and,

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THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 26, 2013 as **WOMEN'S BUSINESS DEVELOPMENT DAY** in Illinois, in recognition of the Women's Business Development Center's 27th Anniversary Entrepreneurial Woman's Conference, and in celebration of the past twenty-seven years of the WBDC's outstanding advocacy and service to women business owners in the Land of Lincoln.

Issued by the Governor August 2, 2013

Filed by the Secretary of State August 21, 2013

2013-286**Chiari Malformation Awareness Month**

WHEREAS, Chiari Malformation is a serious neurological disorder affecting well over 300,000 people in the United States; and,

WHEREAS, Chiari malformations (CMs) are defects in the cerebellum, the part of the brain that controls balance. They create pressure on the cerebellum and brainstem, which may block the flow of cerebrospinal fluid to and from the brain; and,

WHEREAS, this condition was first identified by Austrian pathologist Professor Hans Chiari in the 1890's. Professor Chiari categorized the malformations in order of severity: types I, II, III, and IV; and,

WHEREAS, the cause of Chiari I malformations are unknown, but scientists believe it is either a congenital condition caused by exposure to harmful substances during fetal development, or a genetic condition, since it sometimes appears in more than one member of a family; and,

WHEREAS, symptoms usually appear during adolescence or early adulthood and can include severe head and neck pain, vertigo, muscle weakness, balance problems, blurred or double vision, difficulty swallowing and sleep apnea; and,

WHEREAS, the National Institute of Neurological Disorders and Stroke of the National Institutes of Health are conducting research to find alternative surgical options and identify the cause of CMs in order to create improved treatment and prevention plans; and,

WHEREAS, on September 21, Hoffman Estates will hold a walk during the annual Conquer Chiari Walk Across America; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **CHIARI MALFORMATION AWARENESS MONTH** in Illinois, to raise awareness

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of this devastating neurological disorder, and in support of the organizations working to improve the quality of life for those afflicted.

Issued by the Governor August 2, 2013

Filed by the Secretary of State August 21, 2013

2013-287

Illinois Main Street Day

WHEREAS, the Illinois Main Street statewide coordinated program was started by former Lt. Governor Bob Kustra in 1993; and,

WHEREAS, the mission of the Illinois Main Street Program is to improve the social and economic well-being of Illinois' communities by assisting selected communities to capitalize on the unique identity, assets and character of their historic commercial district; and,

WHEREAS, Illinois Main Street Provides communities with valuable technical assistance, training, and architectural consultation services free of charge; and,

WHEREAS, Illinois Main Street advocates that a self-help, volunteer-driven approach to downtown revitalization results in sustained and meaningful job creation and growth over time; and,

WHEREAS, local volunteers are trained to expand existing businesses and recruit new ones; encourage rehabilitation of existing buildings and appropriate new construction; promote the downtown with retail events, special events, and festivals; and raise money to support the local program and recruit new volunteers; and,

WHEREAS, Illinois Main Street's training and support is essential in the creation, development, and maturation of the 42 local designated programs; and,

WHEREAS, this year marks the 20th Anniversary of the Illinois Main Street Program, and two decades of hard work and dedication by all those who have committed themselves to the betterment of the program; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Tuesday, October 1st, 2013 to be **ILLINOIS MAIN STREET DAY** in Illinois, in recognition of the 20th Anniversary of the Illinois Main Street Program and in support of enhancing the economic and cultural fabric of Illinois communities.

Issued by the Governor August 5, 2013

PROCLAMATIONS

Filed by the Secretary of State August 21, 2013

2013-288
Payroll Week

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and,

WHEREAS, payroll professionals in the State of Illinois play a key role in maintaining the economic health of our state, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and,

WHEREAS, payroll departments nationwide collect more than \$1.78 trillion annually complying with the myriad of federal and state wage and tax laws; and,

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and ensuring that they comply with child support mandates; and,

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and,

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss ways to improve compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and,

WHEREAS, the week in which Labor Day falls has been proclaimed National Payroll Week by the American Payroll Association:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2 – 6, 2013 as **PAYROLL WEEK** in Illinois, in recognition of the important work done by payroll professionals throughout the Land of Lincoln.

Issued by the Governor August 5, 2013

Filed by the Secretary of State August 21, 2013

2013-289
Russell and Richard Krause Day

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WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, two such people are Russell and Richard Krause of East St. Louis; and,

WHEREAS, Russell and Richard Krause have been predominant leaders of sports teams for almost 50 years, recently passing an incredible milestone of 6,000 games coached, and serving as officials for the Illinois High School Association for three decades; and,

WHEREAS, Russell and Richard Krause have coached teams participating in basketball, softball, track and field, football, tennis and cheerleading; and,

WHEREAS, Russell and Richard Krause have dedicated their lives to supporting over 5,000 young athletes passing through their programs, some rising to professional sports status, with a focus on helping form "solid, productive citizens" along the way; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 15, 2013 as **RUSSELL AND RICHARD KRAUSE DAY** in Illinois, in recognition of their positive impact on our state.

Issued by the Governor August 5, 2013

Filed by the Secretary of State August 21, 2013

PROCLAMATIONS

State Partnership Program with Poland Day

WHEREAS, in 1993 the Illinois National Guard established a State Partnership Program with the Republic of Poland and this program has flourished over 20 years becoming the U.S. National Guard's premier State Partnership; and,

WHEREAS, the State Partnership Program with Poland has teamed thousands of Polish military members with thousands of Illinois National Guard Soldiers and Airmen over two decades and together they are helping the Republic of Poland emerge from the throes of oppression to a shining example of democracy and defender of freedom; and,

WHEREAS, Polish and Illinois National Guard Soldiers fought together in Iraq and continue to fight together in Afghanistan and have shared the rigors and challenges of combat side by side since 2003; and,

WHEREAS, through numerous training missions, exchanges, and well-established relationships this State Partnership Program alliance continues to achieve long term objectives and fosters a generation-long dynamic between two great nations; and,

WHEREAS, the Illinois National Guard and the Polish Armed Forces have built a genuine partnership, creating long term personal relationships based on openness, confidence, and trust; and,

WHEREAS, from its inception, this dynamic partnership keeps building enduring military-to-military, military-to-civilian, and civilian-to-civilian relationships, all of which enhance long term international security; and,

WHEREAS, the State Partnership Program serves as a key security cooperation tool, facilitating interaction in all aspects of civil and military collaboration between the United States, the State of Illinois and the Republic of Poland and contributing to the stability and economic prosperity in the region; and,

WHEREAS, thousands of Illinois residents celebrate Polish Armed Forces Day on August 15, commemorating an anniversary of the Battle of Warsaw, also known as the Miracle at the Vistula, a decisive Polish victory in 1920 in the Polish-Soviet War that saved Poland's independence; and,

WHEREAS, Polish-born Soldiers such as Casimir Pulaski and Tadeusz Kościuszko fought side by side with Patriots during the American Revolution helping the United States gain its independence from Britain; and,

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THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim August 15th 2013 as **STATE PARTNERSHIP PROGRAM WITH POLAND DAY** in Illinois, in grateful recognition of 20 years of bilateral cooperation between the Illinois National Guard and the Polish Armed Forces.

Issued by the Governor August 5, 2013

Filed by the Secretary of State August 21, 2013

2013-291**Twenty-Second Anniversary of Ukrainian Independence Day**

WHEREAS, twenty-two years ago, the Parliament of Ukraine acceded to the aspirations of the Ukrainian people by formally declaring an independent Ukrainian state; and,

WHEREAS, this historic action taken on August 24, 1991 brought an end to a brutal totalitarian regime whose crimes against humanity cast a dark shadow over human history and cost many nations, including Ukraine, millions of lives, many of whose names will tragically never be known or memorialized; and,

WHEREAS, the Ukrainian American community cherishes the values of democracy, and remains hopeful that Ukraine will follow a path of constructive action in accordance with European values and principles; and,

WHEREAS, the efforts of Ukrainians around the world to preserve the language, culture and history of their nation must be acknowledged and, encouraged so that this effort continues for the sake of future generations. Such preservation has allowed Ukrainians to make significant contributions to the culture and society of the United States; and,

WHEREAS, Ukrainian Americans are one such ethnic group that makes great contributions to Illinois, both culturally and economically; and,

WHEREAS, it is critically important to reflect on the great sacrifices that were made in the struggle for independence in order to ensure a better quality of life for future generations; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 24, 2013, as **TWENTY-SECOND ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY** and urge all citizens to join the celebration commemorating this momentous event in the history of the Ukrainian nation. On this day, let us recommit ourselves to remembering the heroes who sacrificed their lives to ensure the freedom and happiness of future generations.

Issued by the Governor August 5, 2013

PROCLAMATIONS

Filed by the Secretary of State August 21, 2013

2013-292**Veterans' Day at the State Fair**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency, and selflessness; and,

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, it is our duty to ensure the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve everything we can give them; and,

WHEREAS, Sunday, August 11, 2013 is Veterans' Day at the Illinois State Fair – a day to give thanks to those who have served our country, to salute our service members and to honor the men and women who have lost their lives protecting our freedom; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy, not only on this day, but throughout the year; and,

WHEREAS, on this day, veterans and their families are admitted to the fairgrounds for free, and a number of special Veterans' Day activities will be held:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 11, 2013 as **VETERANS' DAY AT THE STATE FAIR** in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor August 5, 2013

Filed by the Secretary of State August 21, 2013

2013-293**Glen Brandt and Evelyn Brandt Thomas Day**

WHEREAS, agriculture is one of the State of Illinois' largest and most important economic activities; and,

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WHEREAS, Illinois' businesses play a critical role in driving our state's agricultural industry; and,

WHEREAS, one such business is Brandt Consolidated, which was founded in 1953 by Glen Brandt and his sister, Evelyn Brandt Thomas, to help Illinois farmers adopt new and profitable technologies for their operations; and,

WHEREAS, Glen and Evelyn are natives of Sangamon County and grew up five miles East of Pleasant Plains, Illinois; and,

WHEREAS, Brandt Consolidated is comprised of three operating divisions: Specialty Formulations, Retail Agronomy, and Dealer Support; and,

WHEREAS, with a strong belief in innovation and customer service, Brandt Consolidated has more than 200 employees who are now working in more than 10 states and in several counties around the world; and,

WHEREAS, during the past 60 years, Brandt Consolidated has made necessary changes in production agriculture, regulations and facilities, and structure in order to best serve its customers; and,

WHEREAS, over the course of many years, the Brandt's have been outstanding supporters of the Illinois State Fair and Illinois agriculture. They have been participants in the Governor's Sale of Champions, supporters of 4-H and FFA programs, and founders of scholarships for women in business at the University of Illinois; and,

WHEREAS, Evelyn-Brandt Thomas will celebrate her 90th birthday on August 25th, 2013; and,

WHEREAS, Brandt Consolidated is celebrating its 60th Anniversary this year; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2013 as **GLEN BRANDT AND EVELYN BRANDT THOMAS DAY** in Illinois, in appreciation of their efforts to promote agriculture, and in recognition of the 60th Anniversary of Brandt Consolidated, a company that will have a bright future in the Land of Lincoln for many years to come.

Issued by the Governor August 6, 2013

Filed by the Secretary of State August 21, 2013

2013-294

University of Illinois Extension Day

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WHEREAS, the State of Illinois is uniquely suited to produce an abundance of agricultural products and is a national and world leader in producing and exporting many agricultural goods; and,

WHEREAS, agriculture is one of the State of Illinois' largest and most important economic activities; and,

WHEREAS, Illinois' businesses, producer associations, and universities partner to drive our state's agricultural industry; and,

WHEREAS, in 1887, Congress created Agricultural Experiment Stations at Land Grant Colleges to conduct research to improve farming methods; and,

WHEREAS, following the signing of the Smith-Lever Act, extension services such as the University of Illinois Extension were established nationwide; and,

WHEREAS, the University of Illinois Extension is a critically important academic institution that works diligently to provide ag educational opportunities and promote the agricultural industry; and,

WHEREAS, the University of Illinois Extension is based in the College of Agricultural, Consumer, and Environmental Sciences (ACES) at the University of Illinois in Urbana; and,

WHEREAS, the University of Illinois Extension offers educational opportunities in five broad areas: healthy society, food security and safety, environmental stewardship, sustainable and profitable food production and marketing systems, and enhancing youth, family, and community well-being; and,

WHEREAS, more than 2.5 million Illinois residents take part in Extension programs each year, including nearly 300,000 who participate in 4-H youth programs; and,

WHEREAS, this year marks the University of Illinois Extension's 100th Anniversary; and,

WHEREAS, it is a remarkable achievement for any organization, especially one that offers educational programs to residents in each of Illinois' counties, to prosper for 100 years; and,

WHEREAS, the longevity of the University of Illinois Extension is a tribute to its employees and dedicated volunteers who are committed to enhancing the agricultural industry in the State of Illinois; and,

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WHEREAS, the University of Illinois Extension has gained momentum over the years, adapting and taking on new challenges as they have arisen; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2013 as **UNIVERSITY OF ILLINOIS EXTENSION DAY** in Illinois, in recognition of 100 years of success and the tremendous contributions this institution has made to Illinois' agricultural industry.

Issued by the Governor August 6, 2013

Filed by the Secretary of State August 21, 2013

2013-295**Ed Brozak Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Ed Brozak of Streator; and,

WHEREAS, Ed Brozak, currently a Streator city councilman, has been vital in his community's work on tourism promotion; and,

WHEREAS, Ed Brozak has worked hard on numerous nature projects, including transforming a local dumpsite into a canoe launch along the Vermillion River and developing Streator's Hopalong Cassidy Trail; and,

PROCLAMATIONS

WHEREAS, Ed Brozak has spearheaded a number of local volunteer projects and has held many leadership roles in civic and school groups; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 17, 2013 as **ED BROZAK DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-296
Jean Ferris Day

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Jean Ferris of Savanna; and,

WHEREAS, Jean Ferris, a now-retired school teacher, has turned her retirement into service for her community; and,

WHEREAS, Jean Ferris, through writing a grant, helped secure geothermal heating for a local museum she helped establish as well as new equipment for the area's Rescue Squad; and,

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WHEREAS, Jean Ferris with her "Oodles of Can Do" attitude, has been known to zipline through tall trees in her spare time; and,

WHEREAS, Jean Ferris is a true role model for all Illinoisans; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 9, 2013 as **JEAN FERRIS DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-297

John Durbin Day

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is John Durbin of Lovington; and,

WHEREAS, John Durbin, longtime Illinois farmer, has been an inspiration through his government and humanitarian efforts for many years by serving as president of the Moultrie County Soil and Conservation Board and working on the county's food pantry; and,

WHEREAS, John Durbin has volunteered countless hours with Habitat for Humanity and as a liaison with Taylorville Correctional Center; and,

PROCLAMATIONS

WHEREAS, John Durbin, a small-craft pilot, has given more than a thousand youngsters plane rides as part of the Experimental Aircraft Association's Young Eagles program; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 16, 2013 as **JOHN DURBIN DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-298**Lori Oldenettel Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Lori Oldenettel of Jacksonville; and,

WHEREAS, Lori Oldenettel, former Jacksonville city council member, has contributed countless hours towards the betterment of her community; and,

WHEREAS, Lori Oldenettel was named her local Kiwanis Club's first female president and has served selflessly in this position while inspiring numerous civic efforts such as cleaning up a stretch of her community's waterway; and,

PROCLAMATIONS

WHEREAS, Lori Oldenettel is also known as a devoted sponsor of youth sports, supporting her son's soccer team as the coach; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2013 as **LORI ODENETTEL DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-299

Mark and Cheryl Pence Day

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person or team of persons can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals on each day of the Illinois State Fair one person or team of persons will be named Illinoisan(s) of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such couple is Mark and Cheryl Pence of Springfield; and,

WHEREAS, Mark and Cheryl, both reliable, cheerful, punctual and careful were nominated as "perfect volunteers"; and,

WHEREAS, Mark and Cheryl's services range widely, from leadership in the Springfield Area Arts Council and Sister Cities Association, to working with music societies; and,

PROCLAMATIONS

WHEREAS, Mark and Cheryl were recommended for widening the area's local cultural landscape; and,

WHEREAS, Mark and Cheryl have enjoyed time with their local Sertoma Club working with hearing impaired and underprivileged youth; and,

WHEREAS, Mark and Cheryl Pence are true role models and display true Illinois spirit; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 10, 2013 as **MARK AND CHERYL PENCE DAY** in Illinois, in recognition of their positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-300**Orion Samuelson Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Orion Samuelson of Huntley; and,

WHEREAS, Orion Samuelson is a prominent agriculture broadcaster on the airwaves for WGN and the Tribune Radio Network; and,

PROCLAMATIONS

WHEREAS, Orion Samuelson is being honored for his years supporting youth groups such as the Future Farmers of America, 4-H and the Heifer Project International; and,

WHEREAS, Orion Samuelson is an ambassador for progress in rural America; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2013 as **ORION SAMUELSON DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-301**Prairie Farms Day**

WHEREAS, the dairy industry directly employs over 26,159 Illinois citizens and contributes over 36 million dollars annually in producing dairy products; and,

WHEREAS, the total state wide economic impact of the Illinois dairy industry is more than 7.3 billion dollars; and,

WHEREAS, the State of Illinois is home to over 90 dairy processing plants that employ over 8,000 workers; and,

WHEREAS, headquartered in Carlinville, Prairie Farms is one successful Illinois company that provides fresh, high quality dairy products; and,

WHEREAS, Prairie Farms and its subsidiaries manufacture and market a full selection of dairy food products out of its 24 plants and 13 joint venture plants throughout the Midwest and Mid-South; and,

WHEREAS, dairy products are a prime source of calcium, protein, and other nutrients that are essential to a healthy diet; and,

WHEREAS, Prairie Farms' products include milk, ice cream, juices and drinks, and cultured dairy products such as dips, sour cream, cottage cheese, and yogurt; and,

WHEREAS, Prairie Farms has always been guided by the bedrock principles of quality, reliability, and faithfulness to its customers and consumers; and,

PROCLAMATIONS

WHEREAS, it is a remarkable achievement for any organization to prosper for 75 years, and this year marks Prairie Farms' 75th Anniversary; and,

WHEREAS, the longevity of Prairie Farms is a tribute to its employees and its family dairy farm owners who are committed to providing dairy products that are superior in their quality, value, and taste; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2013 as **PRAIRIE FARMS DAY** in Illinois, in recognition of 75 years of success and the tremendous contributions this company has made to the economic vitality of the Land of Lincoln.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-302**Robert Large Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Robert Large of Jacksonville; and,

WHEREAS, Robert Large has served many service organizations around his community, including the Salvation Army and Jacksonville's local theatre; and,

PROCLAMATIONS

WHEREAS, Robert Large has devoted countless hours tutoring youths at North Jacksonville Elementary School while encouraging his fellow Kiwanis Club members to do the same; and,

WHEREAS, Robert Large has been recognized for his outstanding service by North Jacksonville Elementary School, which has created a volunteer award in his name in recognition of his selfless efforts; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 18, 2013 as **ROBERT LARGE DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-303**Ron Kirts Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Ron Kirts of Sainte Marie; and,

WHEREAS, Ron Kirts, Soldier, Mayor, Parade Marshall, leader, and accomplished Illinoisan, cannot be overlooked for his years of service and dedication; and,

PROCLAMATIONS

WHEREAS, Ron Kirts known as "one of the quiet ones," has made a loud impact, from his hometown throughout Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 11, 2013 as **RON KIRTS DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 7, 2013

Filed by the Secretary of State August 21, 2013

2013-304**Toby Keith Day**

WHEREAS, Illinois is a leader in supporting the arts, and music has always been an important component of the artistic fabric of our state; and,

WHEREAS, there are few forms of music more purely American than the country music genre; and,

WHEREAS, country music, with its themes of rural life, family, hard work, and love for country speaks to Midwestern ideals and Illinois residents can relate to its message; and,

WHEREAS, a country musician who has experienced great success in this genre is Toby Keith; and,

WHEREAS, Toby Keith was born in Clinton, Oklahoma to parents Joan and Hubert; and,

WHEREAS, Toby Keith began playing music at a young age after being inspired by musicians who worked at his grandmother's supper club; and,

WHEREAS, prior to starting a career in music, Toby Keith worked in the oil industry and played in the USFL football league. His debut album, "Toby Keith," produced the most played country song of the 1990s, "Should've Been A Cowboy"; and,

WHEREAS, his follow up records, Boomtown and Blue Moon, were equally successful due to hits "Who's That Man" and "Me Too"; and,

WHEREAS, Toby Keith's 2002 album, Unleashed, sold 3 million copies and included a duet with Willie Nelson, "Beer for My Horses"; and,

WHEREAS, Toby Keith's albums have sold more than 36 million copies, ranking him among the top-selling genre artists on Billboard's Top 200 Artists of the Decade; and,

PROCLAMATIONS

WHEREAS, Toby Keith, aside from enormous commercial success, has received critical acclaim and industry awards including the Songwriter/Artist of the Decade distinction from the Nashville Songwriters Association International as well as the American Country Awards' Artist of the Decade distinction; and,

WHEREAS, Toby Keith is strongly committed to our nation's veterans and in 2008 played 18 shows for U.S. troops in the Persian Gulf as a part of a U.S.O. Tour; and,

WHEREAS, Toby Keith will perform at the Grandstand of the Illinois State Fair on Wednesday, August 14th at 8:00 pm; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2013 as **TOBY KEITH DAY** in Illinois, in recognition of his tremendous musical success and contributions to the country music genre and entertainment industry.

Issued by the Governor August 12, 2013

Filed by the Secretary of State August 21, 2013

2013-305**Black Women in Business Appreciation Day**

WHEREAS, small businesses that are owned by African American women are vital to Illinois' growth and prosperity; and,

WHEREAS, in 2007, 7.8 million business firms in the U.S. were owned by women, 911,728 of which were owned by African American women; and,

WHEREAS, compared to counties nationwide, Cook County had the largest number of African American owned businesses in 2007 with 83,733 firms; and,

WHEREAS, in the State of Illinois, approximately 2.6 million jobs have been created as a result of successful African American owned businesses; and,

WHEREAS, African American women constitute 13.3% of the female population and own 11.7% of all women owned firms; and,

WHEREAS, raising awareness regarding the successes of African American women business owners will inspire people to consider opening their own business; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 28, 2013 as **BLACK WOMEN IN BUSINESS APPRECIATION DAY** in Illinois, and encourage consumers to support local African American businesses and in support of entrepreneurs following their dreams of opening a business in order to better their communities.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-306**Direct Support Professionals Recognition Week**

WHEREAS, direct support professionals, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals are the primary providers of publicly-funded long term support and services for millions of individuals; and,

WHEREAS, direct support professionals assist individuals with disabilities with their most intimate needs on a daily basis, and must build a close, trusting relationship with those they serve; and,

WHEREAS, direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, getting to school, work, religious and recreational activities, and other general daily affairs; and,

WHEREAS, direct support professionals provide essential support to help keep individuals with disabilities connected to family and community, enabling them to lead meaningful, productive lives; and,

WHEREAS, direct support professionals are the key to allowing individuals with disabilities to live successfully in the community; and,

WHEREAS, the majority of direct support professionals are female, and many are the sole income earners in their families; and,

WHEREAS, direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same federal and state public assistance programs for which the individuals with disabilities they serve also depend; and,

WHEREAS, currently, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase in the coming years; and,

PROCLAMATIONS

WHEREAS, there is a documented critical and growing shortage of direct support professionals in many communities throughout the United States; and,

WHEREAS, in order to grow the workforce, increase retention, and reduce turnover so that Illinois has sufficient direct support professionals to meet the growing need for community-based services and supports, efforts must be made to increase the average hourly wage paid to direct support professionals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 8 – 14, 2013 as **DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK** in Illinois, in recognition of the dedication of direct support professionals in enhancing the lives of individuals with disabilities of all ages.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-307**First Ladies Health Day**

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet our challenges by volunteering in their communities; and,

WHEREAS, due to the hardships that many Americans are facing, volunteering and national service are needed more than ever; and,

WHEREAS, churches are often the centerpieces of African-American communities and it is widely known that the First Ladies, or pastors' wives, are the backbone of churches and the primary influencers who are able to positively affect change through motivation and example; and,

WHEREAS, the Walgreens First Ladies Health Initiative allows Illinoisans the opportunity to seek free medical screenings for a variety of chronic illnesses that disproportionately affect African Americans, including HIV/AIDS, high blood pressure, diabetes and breast cancer, Alzheimer's, migraines, and obesity; and,

WHEREAS, nearly 50 churches in Illinois will host volunteers from a unique coalition of public and private health organizations to provide free screenings on-site at participating churches; and,

PROCLAMATIONS

WHEREAS, more than 30,000 individuals, some unknowingly gravely ill, have received free medical screenings and counseling during the lifetime of the Illinois-based First Ladies Health Initiative, which also extends to Los Angeles; and,

THEREFORE, I, Pat Quinn, do hereby proclaim September 22, 2013 as **FIRST LADIES HEALTH DAY** in Illinois, and urge citizens to thank participating First Ladies, and volunteers from Walgreens, the Illinois Department of Public Health, the AIDS Foundation of Chicago, the American Diabetes Association, the American Heart Association, Alzheimer's Association, and other partners for their service, and to find ways to give back to their communities.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-308**Gum Disease Awareness Month**

WHEREAS, according to the Illinois Department of Public Health, Periodontal Disease, also known as gum disease, is an infection that attacks the bone and gums that support your teeth; and,

WHEREAS, bacteria in your mouth, called plaque, is the major cause of periodontal disease, although there are other contributing factors, including the general condition of your teeth, your nutrition and general health, habits and emotional stress; and,

WHEREAS, if bacteria are not removed regularly by brushing and flossing, plaque can harden into tartar, whose rough surface allows even more bacteria to stay close to your teeth and under the gumline. This bacteria releases substances that are harmful to the bones and gums around your teeth; and,

WHEREAS, mounting university research indicates gum disease is a possible precursor to heart disease, diabetes, stroke, some cancers and even stillbirths; and,

WHEREAS, Periodontal Disease is painless and, in the early stages, difficult to detect. Common early warning signs may include bad breath and tender or swollen gums that bleed when you brush and floss your teeth; and,

WHEREAS, between 74-85% of Americans suffer some degree of gum disease but less than half are aware of it—building awareness can improve community health and prevent serious health consequences; and,

PROCLAMATIONS

WHEREAS, Illinois is committed to providing reliable oral health information that includes ways to prevent and treat gum disease - because protecting and promoting the oral health, and in turn, the overall health, of the people in this community is in the best interest of the individual people and the community as a whole; and,

WHEREAS, in the interest of public health, Illinois considers it a priority to educate its citizenry about the advanced treatment options that can help them address the symptoms of moderate to severe gum disease and the dangerous consequences of leaving it untreated; and,

WHEREAS, National Gum Disease Awareness Month is an annual health-promotion event directed at helping people make lifelong improvements in their health and quality of life by sharing information and spreading awareness and encouraging everyone to take an active role in preventing gum disease with simple tools and habit changes; and,

WHEREAS, Gum Disease Awareness Month supports community health by disseminating important information and the tips and tools to empower citizens to make powerful improvements to their health and the health of their families; and,

THEREFORE, I, Pat Quinn, do hereby proclaim February 2014 as **GUM DISEASE AWARENESS MONTH** and do hereby encourage our citizens, public agencies and organizations to advance the oral health of our citizens throughout the month with the dissemination of important health information and education designed to help them take an active role in preventing and treating gum disease.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-309**International Central Service Week**

WHEREAS, Central Service Technicians are responsible for processing surgical instruments, supplies and equipment; and,

WHEREAS, serving in settings ranging from hospitals to ambulatory surgical centers, Central Service Technicians provide support to patient care services; and,

WHEREAS, Central Service Department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and,

PROCLAMATIONS

WHEREAS, the Central Service Department of a healthcare facility is the heart of all activity surrounding instruments, supplies and equipment required for operating rooms, Endoscopy suites, ICU, birth centers and other patient care areas; and,

WHEREAS, Central Service Technicians play a most important role in patient care arenas, and are responsible for first-line processes to prevent patient infections; and,

WHEREAS, International Central Service Week recognizes the contribution Central Service Technicians make to patient safety and the opportunities and challenges facing the profession; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13-19, 2013 as **INTERNATIONAL CENTRAL SERVICE WEEK** in Illinois, in recognition of the contributions Central Service Technicians make in our state.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-310**National Estuaries Week**

WHEREAS, the Illinois coast of Lake Michigan including Illinois Beach State Park, Waukegan Harbor, Great Lakes Harbor, Wilmette Harbor, Goose Point and Chicago Harbor are integral to the State of Illinois; and,

WHEREAS, the State of Illinois is dedicated to promoting the conservation and wide use of our coast, including the quality of its water, soil; and air, plant, and animal resources, so that these natural resources may be used and enjoyed by citizens of Illinois forever; and,

WHEREAS, estuaries are unique coastal environments that support more life per square inch than any other ecosystem on earth, providing a habitat for countless species of fish, shellfish, birds, and marine mammals; and,

WHEREAS, preserving our local fish habitats and populations will also preserve our recreational and sport fishing industry, which annually generates about 3.7 billion for the state's economy, while commercial fishing and boating contributes hundreds of millions of dollars; and,

WHEREAS, clean shorelines attract millions of local residents and out of state visitors who visit the Illinois coast for tourist and recreational activities; and,

PROCLAMATIONS

WHEREAS, coastal industries contribute approximately three billion to state GDP every year; and,

WHEREAS, restoration projects create more than twice as many jobs as the oil, gas, and road construction industries combined; and,

WHEREAS, protecting and restoring our estuaries is vital to our local and national economy because they sustain the fisheries that feed America, ensure outdoor recreational opportunities for current and future generations, reduce the costly impacts of natural hazards, and support local jobs which cannot be exported; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 23-29, 2013 as **NATIONAL ESTUARIES WEEK** in Illinois, and urge all residents to recognize their impact on our state.

Issued by the Governor August 13, 2013

Filed by the Secretary of State August 21, 2013

2013-311**Jackie Robinson West Little League Champions Day**

WHEREAS, throughout our nation's history, the sport of baseball has served as a forum for allowing teams to work toward a common goal and display their excellence, persistence, and teamwork; and,

WHEREAS, baseball is America's national pastime, and the State of Illinois is fortunate to be home to numerous baseball players and teams who have demonstrated an outstanding level of skill as well as sportsmanship; and,

WHEREAS, hailing from the South Side of Chicago, one of Illinois' most successful teams is the Jackie Robinson West Little League team; and,

WHEREAS, the mission of the Jackie Robinson West Little League Baseball team is to bring children into a structured program environment intensely supported by adult volunteers where the values of leadership, teamwork, and self-discipline are strongly emphasized; and,

WHEREAS, the Jackie Robinson West Little League team was founded in 1971 by Joseph H. Haley, an educator by trade, whose goal was to provide young people with wholesome, healthy recreation through participating in baseball; and,

WHEREAS, the Jackie Robinson West Little League team had a remarkable 2013 season; and,

PROCLAMATIONS

WHEREAS, after defeating teams from Ohio, Kentucky, and Wisconsin, the Jackie Robinson West Little League team advanced to its first regional final since 1984 and was one win away from the second Little League World Series appearance in team history; and,

WHEREAS, the longevity of the Jackie Robinson West Little League Baseball team is a tribute to all of the parents, coaches, sponsors, and fans who are committed to ensuring that young people develop the skills and work ethic necessary for becoming productive, successful adults; and,

WHEREAS, number 42 – Jackie Robinson – would have been proud of this unheralded team, true underdogs who showed the same grit and grace Jackie showed as a player; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 16, 2013 as **JACKIE ROBINSON WEST LITTLE LEAGUE CHAMPIONS DAY** in Illinois, in recognition of this team's successful 2013 season and their impressive display of sportsmanship and athletic ability, which advanced them all the way to the regional finals.

Issued by the Governor August 15, 2013

Filed by the Secretary of State August 21, 2013

2013-312**Magnolia Jennings Day**

WHEREAS, the daughter of farmers, and one of seven children, Magnolia Jennings was born to Maggie and Joseph Spencer in Tchula, Mississippi; and,

WHEREAS, in 1945, Magnolia moved to Chicago's South Side, where she married Curtis Jennings. The couple had three children, Curtis Jennings, Jr., Myrtle Hatcher and Ella Mae; and,

WHEREAS, Magnolia Jennings is a woman of strong faith who has positively impacted many lives; and,

WHEREAS, a strong believer in grassroots democracy and civic engagement, Magnolia Jennings has a consistent voting record that included her casting ballots in the last presidential and special elections; and,

WHEREAS, Magnolia Jennings will turn 106 on August 15, 2013; and,

WHEREAS, birthdays are an excellent time to recount the many achievements and memories you have accumulated during your lifetime; and,

PROCLAMATIONS

WHEREAS, as a long-time loving family member, friend, and neighbor, Magnolia Jennings has touched many lives, inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, on Thursday, August 15, 2013 Magnolia Jennings will celebrate her 106th birthday at a party being hosted for her at the Waterfront Terrace, where she has been a resident since 2005; and,

WHEREAS, the citizens of the Land of Lincoln are pleased to extend their best wishes to Magnolia Jennings for a very happy 106th birthday celebration; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 15, 2013 as **MAGNOLIA JENNINGS DAY** in Illinois, in recognition of her commitment to civic engagement, dedication to making the world a better place, and in celebration of her 106th birthday.

Issued by the Governor August 15, 2013

Filed by the Secretary of State August 21, 2013

2013-313**Pastor Darrell L. Jackson's Anniversary Celebration Day**

WHEREAS, Liberty Baptist Church, which was organized in May, 1918, and elected Darrell L. Jackson in August 1994 as the third generation Pastor of its congregation, will celebrate his 19th year as Pastor; and,

WHEREAS, this year's celebration theme, "You are the True Vine," exemplifies Pastor Darrell L. Jackson's unwavering commitment to continue the legacy of hard work, sacrificial dedication and spiritual well being to the entire congregation as established nearly 90 years ago under the leadership of his grandfather D.Z. Jackson (1925-1950) and, his father, A.P. Jackson (1951-1994); and,

WHEREAS, Pastor Darrell L. Jackson has undoubtedly provided sources of inspiration to a countless number of people in their time of sickness, suffering, and bereavement; and,

WHEREAS, for the past 19 years, Pastor Darrell L. Jackson has promoted and developed impressive initiatives including Feed The People, Health Ministry Board, and Prison Ministry; and,

PROCLAMATIONS

WHEREAS, Pastor Darrell L. Jackson has developed and implemented many community outreach initiatives including the "Youth Project" and the Neighborhood Prayer Band; and,

WHEREAS, Pastor Darrell L. Jackson has established weekly education classes for Christian Education, Prayer Service, and Sunday School Education; and,

WHEREAS, Pastor Darrell L. Jackson helps manage the Liberty Commons Building, which provides secure housing and safe passage for seniors from the congregation and in the community; and,

WHEREAS, Pastor Darrell L. Jackson has continually sought to make Liberty Baptist Church remain of paramount importance to its members by promoting and maintaining its legacy, meeting the needs of the congregation, providing insight, and fostering the respect and passion he has demonstrated prior to and during his Pastor-ship; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Sunday August 18, 2013 as **PASTOR DARRELL L. JACKSON'S ANNIVERSARY CELEBRATION DAY** in the State of Illinois, in recognition of his many years of service to the community and Liberty Baptist Church.

Issued by the Governor August 15, 2013

Filed by the Secretary of State August 21, 2013

2013-314**The First Baptist Church of Chicago Day**

WHEREAS, on October 19, 1983, fifteen believers organized the First Baptist Church of Chicago; and,

WHEREAS, the First Baptist Church of Chicago is the mother church of ministries throughout the Chicagoland area. Many churches were created out of its membership and efforts, including the Calvary Baptist Church in the South Shore community; and,

WHEREAS, the First Baptist Church of Chicago played an instrumental role in the resettlement of Japanese Americans in the Hyde Park-Kenwood neighborhood after World War II had ended; and,

WHEREAS, the First Baptist Church of Chicago has been repeatedly recognized for its commitment to children and youth ministries through being involved with numerous programs including the Guild Girls, Scouting, Summer Music Camp, Vacation Bible School, the Children's Choir, and Youth Bible Studies; and,

PROCLAMATIONS

WHEREAS, the First Baptist Church of Chicago holds an annual mission trip that has gone to locations such as Charleston, West Virginia, Fairbanks, Alaska, Estes Park, Colorado, Santiago Cuba, and Junction, Jamaica; and,

WHEREAS, over the years the First Baptist Church of Chicago has provided the community with innumerable services and keen guidance; and,

WHEREAS, the First Baptist Church of Chicago's unwavering commitment to the members of its ministry, and the surrounding neighborhood has undoubtedly touched numerous lives and provided a source of inspiration to many people throughout the Chicagoland area; and,

WHEREAS, a celebration will be held on October 13th commemorating the 180th anniversary of the First Baptist Church of Chicago; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13, 2013 as **THE FIRST BAPTIST CHURCH OF CHICAGO DAY** in Illinois, and encourage all citizens to join in celebrating the accomplishments of this remarkable church.

Issued by the Governor August 15, 2013

Filed by the Secretary of State August 21, 2013

2013-315**Alpha-1 Awareness Month**

WHEREAS, one of the most common and serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as Alpha-1, affects an estimated 100,000 children and adults in the United States; and,

WHEREAS, Alpha-1 is characterized by low levels of Alpha 1-antitrypsin, a protein found in the blood; and,

WHEREAS, this deficiency is usually manifested in three forms: lung disease (which is the most common), liver disease, or a skin condition called panniculitis; and,

WHEREAS, Alpha-1 is widely under-diagnosed and misdiagnosed. In fact, it is estimated that less than 10 percent of those predicted to have Alpha-1 have been diagnosed. It often takes an average of five doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and,

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WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and,

WHEREAS, it is extremely important for someone who has been diagnosed with Alpha-1 to immediately stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage; and,

WHEREAS, throughout the month of November, organizations in the Alpha-1 Community, including the Alpha-1 Association, the Alpha-1 Foundation, and AlphaNet, will be conducting various awareness activities throughout the state designed to educate the medical community and citizens on this serious and often fatal disease; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2013 as **ALPHA-1 AWARENESS MONTH** in Illinois, in order to raise awareness of this disease, and to encourage citizens and the medical community to educate themselves about Alpha-1 Antitrypsin Deficiency.

Issued by the Governor August 16, 2013

Filed by the Secretary of State August 21, 2013

2013-316
Cultural Week of Jalisco

WHEREAS, the Jaliciences represent one of the largest groups of Mexicans living in the United States; and,

WHEREAS, of the 400,000 Jaliciences living in the Midwest, 200,000 have chosen the State of Illinois as their newly adopted home; and,

WHEREAS, the Federación de Jaliciences del Medio Oeste de los Estados Unidos NFP is a not-for-profit organization that promotes the wellbeing and advancement of the Jaliciences in the Midwest, as well as Mexico, through educational, cultural, civic and social projects; and,

WHEREAS, the Federación de Jaliciences del Medio Oeste has especially distinguished itself for welcoming, cultivating and encouraging leadership by youth and women; and,

WHEREAS, during the month of September, Federación de Jaliciences del Medio Oeste will participate in Semana Jalisco, a month-long celebration recognizing contributions of the Jaliciences to the cultural and economic landscape of our communities that will provide an opportunity for participants to learn about the culture of the State of Jalisco; and,

PROCLAMATIONS

WHEREAS, this year, the Federación will preview Semana Jalisco during the last week of August with their program "7N7", which will share the culture and traditions from the State of Jalisco, Mexico in seven cities during seven days; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 25-September 1, 2013 as **CULTURAL WEEK OF JALISCO** in Illinois, in recognition of the contributions of Jalisco culture and in support of the Federación de Jaliscienses del Medio Oeste en Illinois.

Issued by the Governor August 16, 2013

Filed by the Secretary of State August 21, 2013

2013-317**National Recovery Month**

WHEREAS, mental and substance use disorders are major public health problems affecting Americans of every age, race and ethnic background in all communities. With commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery; and,

WHEREAS, in 2011, 3.8 million people aged 12 or older received specialty treatment for an illicit drug or alcohol use problem in the past year, and more than 31.6 million adults aged 18 or older received mental health services in the past year; and,

WHEREAS, according to the *2011 National Survey on Drug Use and Health*, an estimated 21.6 million people aged 12 or older in the United States needed treatment for an illicit drug or alcohol use problem. Of these, 2.3 million received treatment at a specialty facility; and,

WHEREAS, also in 2011, out of the 45.6 million Americans aged 18 or older who had any mental illness in the past year, only 31.6 million received mental health services; and,

WHEREAS, studies show that individualized treatment greatly increases the chances for people to be successful in their path to recovery; unfortunately, many afflicted by substance use and mental health disorders do not believe treatment is necessary, and those who do seek treatment face barriers to recovery, including the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and a lack of information about treatment options; and,

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives and the lives of their families; therefore, it is critical that we educate community members that substance use and mental health disorders are serious, yet treatable health care

PROCLAMATIONS

problems, and by treating them like other chronic diseases, we can improve the quality of life for the entire community; and,

WHEREAS, for 24 years, Recovery Month has worked to improve the lives of those affected by mental illness and substance use disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available; and,

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Illinois Department of Human Services' Division of Alcoholism and Substance Abuse invite all residents of Illinois to participate in National Recovery Month:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **NATIONAL RECOVERY MONTH** in Illinois, and call on all citizens to celebrate the lives of those who are in recovery, while encouraging those struggling with substance abuse and mental illness to seek treatment.

Issued by the Governor August 16, 2013

Filed by the Secretary of State August 21, 2013

2013-318
Pain Awareness Month

WHEREAS, physical pain caused by a variety of diseases and disorders affects nearly 100 million Americans every year; and,

WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are inadequately treated or not treated at all because of barriers in accessing appropriate and effective pain care; and,

WHEREAS, pain takes an economic toll on our country, costing an estimated 100 billion dollars each year in medical expenses, lost wages, reduced productivity, and other related costs; and,

WHEREAS, improved pain management education and an effective multi-disciplinary treatment approach can help reduce suffering and remove barriers to pain-free living; and,

WHEREAS, the U.S. Pain Foundation Action Network in Illinois exists to advocate for people experiencing pain by increasing awareness and promoting access to appropriate pain treatment; and,

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WHEREAS, as part of ongoing awareness efforts, the U.S. Pain Foundation Action Network and its members strive to educate medical professionals and the public about the under-treatment of pain, inadequate access to pain care, and barriers to pain management; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **PAIN AWARENESS MONTH** in Illinois, in support of efforts to improve and promote the management and treatment of pain.

Issued by the Governor August 18, 2013

Filed by the Secretary of State August 21, 2013

ILLINOIS ADMINISTRATIVE CODE
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