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DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.2020	Amendment
240.2040	Amendment
- 4) Statutory Authority: 20 ILCS 105/4.02 (as amended by Public Act 94-48, effective July 1, 2005) and 4.01(11)
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed so the financial reporting requirements relating to homemaker service providers under the Community Care Program will reflect a new split between administrative and employee wages and benefits in conformity with statutory changes resulting from the recent enactment of Public Act 94-48.
- 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
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

George M. Sisk
General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, IL 62701-1789

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

(217) 785-3346

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Provider agencies for homemaker services under the Community Care Program
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping, or other procedures are anticipated as a requirement for compliance under the Community Care Program.
 - C) Types of professional skills necessary for compliance: No additional professional skills are anticipated as a requirement for compliance under the Community Care Program.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent agendas because Public Act 94-48 was enacted after the publication of the January 2005 agenda and the Department had not yet determined whether regulatory action would be required to implement this legislation at the time of publication for the July 2005 agenda.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 10117:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section NumberS:</u>	<u>Proposed Action:</u>
1.77	New Section
1.242	New Section
1.420	Amendment
1.430	Amendment
1.720	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking gathers together several unrelated changes, as follows:

A new Section 1.77 is being proposed in order to institute a requirement for electronic reporting by districts of information used in determining whether teachers can be considered "highly qualified" for their assignments in the core academic subject areas.

A new Section 1.242 is being proposed that will convey the due process requirements that are applicable when school districts elect to deny enrollment to high school students for failure to maintain academic or attendance standards, as permitted by P.A. 93-803.

Sections 1.420 and 1.430 are being updated to acknowledge that, under P.A. 94-198, physical education is not required daily in cases of block scheduling.

Language is being inserted into Section 1.720 to clarify the long-standing intent that the "major field of teaching assignment" is the one in which a (middle-grades) teacher spends the most time and is thus the field in which the teacher is generally required to have 18 semester hours of credit.
- 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.

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NOTICE OF PROPOSED AMENDMENTS

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

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	State Assessment
1.40	Adequate Yearly Progress
1.50	Calculation of Participation Rate
1.60	Subgroups of Students; Inclusion of Relevant Scores
1.70	Additional Indicators for Adequate Yearly Progress
1.75	Student Information System
1.77	Educator Certification System
1.80	Academic Early Warning and Watch Status
1.85	School and District Improvement Plans; Restructuring Plans
1.90	System of Rewards and Recognition – The Illinois Honor Roll
1.95	Appeals Procedure
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

1.210	Powers and Duties (Repealed)
1.220	Duties of Superintendent (Repealed)
1.230	Board of Education and the School Code (Repealed)
1.240	Equal Opportunities for all Students
1.242	Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260	Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270	Book and Material Selection (Repealed)
1.280	Discipline

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- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
- 1.320 Evaluation of Certified Staff in Contractual Continued Service
- 1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 School Food Services (Repealed)
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel

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- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers (Repealed)
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for Pupil Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

- 1.APPENDIX A Professional Staff Certification
- 1.APPENDIX B Certification Quick Reference Chart
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-

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20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.77 Educator Certification System

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

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(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL GOVERNANCE

Section 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

A parent or guardian who receives notice of a school board's intention to deny enrollment to a student for either of the reasons specified in Section 26-2(c) of the School Code [105 ILCS 5/26-2] may appeal the determination to exclude the student.

- a) Upon the request of the parent or guardian, the school board or a hearing officer appointed by the board shall hold a hearing to review the board's determination.
- b) The parent or guardian shall have the right to appear at the hearing and discuss the board's determination to exclude the student with the board or its hearing officer.
- c) If a hearing officer has been appointed by the board, he or she shall provide to the board a written summary of the evidence heard at the hearing.
- d) After the hearing, if held by the board, or after the board's receipt of the hearing officer's written summary, the board may take the action it finds appropriate.
- e) Any appeal requested by the parent or guardian must be heard and a final determination made under subsection (d) of this Section before the student may be denied enrollment under Section 26-2(c) of the School Code.

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.
- c) Every school district shall:

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- 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
 - e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
 - f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The State Superintendent's approval shall be requested before the beginning of the school year.
 - B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in

STATE BOARD OF EDUCATION

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class for at least four clock-hours.

- C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.

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- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation)

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provided by the district must be equally available to full-day and half-day students.

- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
 - 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services – housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing,

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budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
 - 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
 - n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

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- D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] or by the Sex Education Act [105 ILCS 130].
- o) Media Programs
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by~~(see~~ Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under*

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the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).

- 6) Pursuant to Section 27-6 of the School Code ~~[105 ILCS 5/27-6]~~, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~ shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board ~~that which~~ chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) Pupil Personnel Services
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;

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- 4) Health Needs.
- r) Social Sciences and History
- Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are

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incorporated by this Part.

- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades. (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2])*
- u) *School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3])*

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1.430 Additional Criteria for Elementary Schools

- a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by ~~the~~The School Code or applicable rulesregulations, is the option of the local board of education.
- 1) Language Arts, Reading and other Communication Skills
 - 2) Science
 - 3) Mathematics
 - 4) Social Studies
 - 5) Music
 - 6) Art
 - 7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act), ~~one semester or equivalent at the junior high level (Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.)~~.

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- 8) Physical Education, ~~daily~~ (see Section 27-6 of ~~the~~The School Code)-
 - 9) Career Education – Awareness and Exploration
 - 10) Safety Education, ~~one hour per week~~ (see Section 27-17 of ~~the~~The School Code)-
 - 11) Conservation of Natural Resources (see Section 27-13.1 of ~~the~~The School Code)-
 - 12) *Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse* (Section 27-13.2 of ~~the~~The School Code)-
- b) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent (Sections 27-3 and 27-4 of ~~the~~The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon ~~thesesueh~~ subjects.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.720 Requirements for Teachers of Middle Grades

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710 of this Part. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection (a)(1) of this Section prior to July 1, 1997, or completed the coursework identified in subsection (a)(2) of this Section. The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading, and for library information specialists, there is specific coursework that must be

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included among the 18 semester hours to be earned; see subsections (a)(3), (4), and (5) of this Section. Further, new requirements for reading and library information specialists will apply to persons who apply for these endorsements on or after July 1, 2006, as well as to other persons who have not completed the 18-hour requirements prior to that date. See subsections (a)(4) and (5) of this Section.

- 1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification (23 Ill. Adm. Code 25) applies. Where a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(1) for the major teaching assignment one area and have no fewer than 5 semester hours in each the other subject taught instructional area.
- 2) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board's rules for Certification applies. Where a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(2) for the major teaching assignment one area and have no fewer than 9 semester hours in each the other subject taught instructional area. In addition:
 - A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.
 - B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and

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needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

- 3) For teachers of mathematics in grades 6 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include three semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:
 - A) Math content courses for elementary teachers;
 - B) Calculus;
 - C) Modern algebra or number theory;
 - D) Geometry;
 - E) Computer science;
 - F) Probability and statistics;
 - G) History of mathematics.
- 4) For major assignments in reading in any of departmentalized grades 5 through 8:
 - A) persons first employed on or after September 1, 1978, but before July 1, 2004, are required to have completed the 18 semester hours described in Section 1.740 of this Part;
 - B) persons first employed on or after July 1, 2004, shall be required to have completed either the 18 semester hours described in Section 1.740 of this Part or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i), provided that:
 - i) the individual completes all the required coursework on or before June 30, 2006; or

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- ii) the individual applies for the reading endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and
 - C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (a)(4)(A) or (B) of this Section; see also 23 Ill. Adm. Code 25.100(i) and Section 1.745 of this Part.
- 5) Persons first employed on or after September 1, 1978, as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755 of this Part. The provisions of subsection (a)(2) of this Section notwithstanding, no individual who has completed only nine semester hours in the field may serve in this capacity unless assigned pursuant to 23 Ill. Adm. Code 25.464.
- b) Beginning July 1, 2004, no individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:
 - 1) holds a middle-grades endorsement applicable to the subject area; or
 - 2) meets the relevant requirements of this Section; or
 - 3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
 - 4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c) of this Part; or

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- 5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Class Size Reduction Grants
- 2) Code Citation: 23 Ill. Adm. Code 565
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
565.10	New Section
565.20	New Section
565.30	New Section
565.40	New Section
565.50	New Section
565.60	New Section
565.110	New Section
565.120	New Section
565.130	New Section
565.140	New Section
565.150	New Section
565.160	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.136
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to P.A. 93-814 (2004), which established the K-3 class size reduction grant program, and to 2005 legislation just enacted that creates a class size reduction pilot project for the same grade levels.

Eligibility for the class size reduction grants discussed in Subpart A of this new Part is limited under the law to districts with schools in academic early warning or academic watch status. The law permits use of these grants to fund either costs associated with extra teachers and classrooms or costs related to the addition of paraprofessionals into existing classrooms in cases where facilities are inadequate to allow for an average class size of 20 or lower. The rules describe two possible approaches to the intended three-year grant cycle and set out the application process and criteria for the review of proposals.

The rules also include a Subpart B that addresses a further class size reduction initiative just enacted to defray costs associated with class sizes of 15 or lower. In this case the addition of paraprofessionals is not an allowable use of grant funds and only additional classrooms can be supported. We have determined that, since this is specifically stated to be a pilot program, it would be appropriate to require these proposals to include an evaluation component, so that we will eventually have data available regarding the

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relative impact of class sizes below 20 and below 15. We have also included a provision for allocating funding for these projects more or less evenly among the City of Chicago, the balance of Cook and the collar counties, and the remainder of the state, as there are indications that this issue was raised consistently throughout the legislative discussions. At this time, only the portion of the program described in Subpart B of the rules has received funding.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Not applicable
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent agendas because: The uncertainty of funding led to uncertainty regarding the need for new rules.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 565

CLASS SIZE REDUCTION GRANTS

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section

- 565.10 Purpose and Applicability
- 565.20 Eligible Applicants
- 565.30 Program Specifications
- 565.40 Application Procedure
- 565.50 Criteria for the Review of Initial Proposals
- 565.60 Allocation of Funds

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section

- 565.110 Purpose and Applicability
- 565.120 Eligible Applicants
- 565.130 Program Specifications
- 565.140 Application Procedure
- 565.150 Criteria for the Review of Initial Proposals
- 565.160 Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.136 of the School Code [105 ILCS 5/2-3.136].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section 565.10 Purpose and Applicability

This Subpart A establishes the application procedure and criteria for selection by the State Board of Education of the districts that will receive grant funds under the K-3 class size reduction program established pursuant to Section 2-3.136(a) of the School Code [105 ILCS 5/2-3.136(a)].

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Section 565.20 Eligible Applicants

Eligible applicants shall be school districts in which one or more schools that maintain kindergarten or any of Grades 1 through 3 are in Academic Early Warning or Academic Watch status under Section 2-3.25d of the School Code [105 ILCS 5/2-3.25d]. Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] that maintain these grades and are in either status and charter schools that maintain these grades and are in either status shall also be eligible to apply; see 105 ILCS 5/2-3.109a and 27A-11.5, respectively. Only kindergarten and Grades 1 through 3 in schools that are in Academic Early Warning or Academic Watch status ("eligible schools") shall be served with grant funds provided under this Subpart. An applicant chosen for funding shall not subsequently lose eligibility due solely to improvement in the status of the schools served.

Section 565.30 Program Specifications

It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Two separate approaches to class size reduction shall be considered. Each applicant may propose either:

- a) serving the same grade levels within the same schools during each year for which funding is received; or
- b) following the same cohort of students from kindergarten through the second grade or from the first grade through the third grade during the three years of the grant.

Section 565.40 Application Procedure

For purposes of this Subpart, the terms "proposal" and "application" shall have the same meaning.

- a) When State funding is available for grants under this Subpart, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities.
- b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including identification of the specific schools that will be served throughout the grant period, the grades chosen for class size reduction, and the rationale for these choices.

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- c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the allowable expenditures and the basis for awarding grants.
- d) The RFP shall include a budget summary and payment schedule as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- e) The RFP shall identify the data recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.
- f) The RFP shall include certification and assurance forms that the State Superintendent may, by law, require.
- g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.
- h) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least:
 - 1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for grant funds for this purpose; and
 - 2) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals shall not be considered.

Section 565.50 Criteria for the Review of Initial Applications

- a) Applications for initial funding shall be evaluated in accordance with the following criteria:
 - 1) The proposal demonstrates that the average class size within the chosen grades exceeds 20 pupils and presents data related to student enrollment,

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achievement, and progress and an analysis of those data that justifies the approach selected and the choice of grade levels to be served. (70 points)

- 2) The proposal demonstrates either that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed or that space for new classes is not available, as applicable. The number of certified teachers or paraprofessionals to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served. (15 points)
- 3) The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned or the activities of the paraprofessionals to be assigned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms. (15 points)

Section 565.60 Allocation of Funds

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of class size reduction on a statewide basis.
- b) It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain average class sizes below 20 within the designated grades.
- c) A district that has received three years' funding under this Subpart A may subsequently apply as a new applicant.

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section 565.110 Purpose and Applicability

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This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of the districts that will receive grant funds under the K-3 class size reduction pilot program established pursuant to Section 2-3.136(b) of the School Code [105 ILCS 5/2-3.136(b)].

Section 565.120 Eligible Applicants

Eligible applicants for grants under this Subpart B shall be those identified in Section 565.20 of this Part, and only kindergarten and Grades 1 through 3 in eligible schools shall be served with grant funds provided under this Subpart.

Section 565.130 Program Specifications

The provisions of Section 565.30 of this Part shall apply to grants under this Subpart B.

Section 565.140 Application Procedure

The provisions of Section 565.40 of this Part shall apply to grants under this Subpart B.

Section 565.150 Criteria for the Review of Initial Applications

- a) Applications for initial funding shall be evaluated in accordance with the following criteria:
 - 1) Rationale and Cost-Effectiveness (50 points)
 - A) The proposal demonstrates that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed.
 - B) The number of certified teachers to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served, and the applicant has chosen one or more grades with the greatest need for class size reduction.
 - C) The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms.

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- 2) Evaluation Plan (30 points)
The applicant proposes to collect and report information on the performance of the students in the classrooms served that will add to an understanding of the effects of class sizes of 15 or lower when compared to class sizes between 15 and 20 and when compared to class sizes above 20.
- 3) Need (20 points)
 - A) The proposal demonstrates that the average class size within the chosen grades exceeds 15 pupils and that students' performance may be improved through a reduction in class size.
 - B) The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to employ additional certified staff in the chosen grades.

Section 565.160 Allocation of Funds

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of class size reduction on a statewide basis. It is expected that approximately one-third of the funding available for programs under this Subpart B will be allocated within the City of Chicago, one-third within the balance of Cook County and the counties of DuPage, Kane, Lake, McHenry, and Will, and one-third within the remainder of the State.
- b) It is the intention of the State Board of Education to approve funding for projects under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to maintain average class sizes below 15 within the designated grades.
- c) A district that has received three years' funding under this Subpart B may subsequently apply as a new applicant.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Number: 118.500 Proposed Action: Amendment
- 4) Statutory Authority: The Covering All Kids Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment responds to the Covering All Kids Health Insurance Program Act under which all children in Illinois who lack medical insurance will be covered by affordable health insurance and prescription drug coverage. In concert with new rules at 89 Ill. Adm. Code 123, this new coverage will allow many of the approximately 250,000 children who need health care coverage, including certain non-citizen children who may be eligible for certain medical services to have access to it. These proposed changes are necessary to ensure parity between children in families with the same income.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217) 557-7157

The Department requests the submission of written comments within 30 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: Medical Practitioners
 - 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: January 2006

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 10129:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Covering All Kids Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 123
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
123.100	New Section
123.110	New Section
123.200	New Section
123.210	New Section
123.220	New Section
123.230	New Section
123.240	New Section
123.250	New Section
123.260	New Section
123.270	New Section
123.300	New Section
123.310	New Section
123.320	New Section
123.330	New Section
123.340	New Section
123.350	New Section
- 4) Statutory Authority: The Covering All Kids Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) Complete description of the subjects and issues involved: These proposed rules respond to the Covering All Kids Health Insurance Program Act under which children in Illinois who lack medical insurance will be covered by affordable health insurance and prescription drug coverage. This new coverage will allow many of the approximately 250,000 uninsured children to have access to All Kids health insurance. Parents will pay affordable co-payments and premiums scaled to their income. Illinois' All Kids Program will make Illinois the first and only state in the nation to make sure every child has access to comprehensive and affordable health care coverage. The Program is expected to cost approximately \$45 million during the first year of operation. This includes a one-time cost of establishing a 30 day payment cycle for physicians serving children.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department is particularly interested in receiving comments on the provisions governing redetermination of eligibility at Section 123.200(d)(2)(b) as they pertain to defining affordable health insurance. 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: Medical Practitioners
- 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: January 2006

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to the text of the Emergency Rules that appears in this issue of the *Illinois Register* on page 10134:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2080.60	Amendment
2080.75	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part will aid in enforcement and inspection of watercraft and will require passenger for hire operations on inland waters and boat rental services to specify where watercraft will be operated when they apply for their licenses.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Boat rental and passenger for hire operations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Meet licensing requirements, inspection procedures and safety guidelines for boat rental and passenger for hire operations, operate vessel on bodies of water designated on the license and display license on vessel or show it upon demand.
 - 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 agendas because: Staff did not determine that amendments were necessary prior to filing the Regulatory Agenda.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

Section

2080.10	Introduction
2080.20	Definitions
2080.30	Applicability
2080.40	Dry Dock Inspection
2080.50	Dockside Inspection
2080.60	Licensing Requirements
2080.70	License and Decal
2080.75	Rental Boats
2080.80	Misuse of License or Decal
2080.90	Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective July 28, 1999; amended at 24 Ill. Reg. 3594, effective February 17, 2000; amended at 30 Ill. Reg. _____, effective _____.

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
 - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR ~~subchapters~~ Subchapters T, K, K', and H.
 - 2) Licensed operators shall only be authorized to operate vessels designated

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by the license, and on bodies of water so designated on the license.

- 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard and USDOT drug testing regulations (46 CFR 16 and 49 CFR 40).

b) Inland Waters

- 1) Licensed operators shall only be authorized to operate vessels designated by the license and on bodies of water designated on the license.
- 2) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 3) No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 2080.75 Rental Boats

- a) The operators of boat rental services shall only be authorized to rent vessels designated by the license and on bodies of water designated on the license.
- b) The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Prequalification of Contractors and Issuance of Plans and Proposals
- 2) Code Citation: 44 Ill. Adm. Code 650
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
650.20	Amend
650.30	Amend
650.40	Amend
650.50	Amend
650.90	Amend
650.100	Amend
650.110	Amend
650.170	Amend
650.180	Amend
650.190	Amend
650.240	Amend
650.260	Amend
650.270	Amend
650.300	Amend
650.340	Amend
650.370	Amend
650.Appendix A	Amend
- 4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]
- 5) A complete description of the subjects and issues involved: This Part is the primary means by which the Illinois Department of Transportation (the Department) determines the responsibility of bidders on competitively bid contracts to undertake and complete the work to be accomplished. By this rulemaking, the Department is proposing to amend Part 650 to revise and update provisions to reflect current practice, to address poor contractor performance, to increase competition, and to potentially increase the number of prequalified small businesses. Among the significant changes:

At Section 650.40(a), Application Requirements, the Department's web address (www.dot.il.gov) has been provided for electronic access to the application for prequalification.

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At Section 650.50, Time for Submission, the Department is clarifying application provisions with respect to cut-off dates for the first time applicant as well as for those with existing prequalification ratings who seek to renew their ratings.

At Section 650.90, Effective Date of Ratings, the Department is clarifying that the date the Certificate of Eligibility becomes effective depends in part on whether the applicant is a new applicant or a renewal applicant seeking to renew its existing ratings.

At Section 650.100, Expiration Date of Ratings, the rule is being amended to provide that a renewal notice will be mailed to the prequalified contractor four months prior to the expiration date of the Certificate of Eligibility. The notice will state that forms for renewal are available through the Department's web site.

At Section 650.110, Denial or Revocation of Ratings, the Department is adding two new provisions to the listing of reasons or events that will result in a finding of nonresponsibility. The first concerns notification to the Department by the applicant when the applicant has been suspended or debarred by operation of Section 25 of the Procurement of Domestic Products Act [30 ILCS 517/25]. The second is a clarification that a finding of nonresponsibility will result when the applicant is not eligible for prequalification. The Department is also amending a provision to clarify that a finding of nonresponsibility will occur for a violation of any provision of the Illinois Procurement Code [30 ILCS 500].

At Section 650.170, Financial Statement, the Department is revising provisions concerning a financial rating in an unaudited status by limiting the rating to no more than \$500,000 when a balance sheet is prepared by the applicant, and, by increasing a financial rating from \$500,000 to \$1,500,000 when the applicant submits a reviewed or compiled balance sheet that has been prepared by an accountant. The Department is also eliminating a provision concerning the limitation on the awarding of more than \$600,000 in contracts during a twelve month period to any firm with an unaudited financial status. These changes will encourage growth in the smaller firms.

At Section 650.180, Balance Sheet Schedules, the Department is adding a provision concerning equipment appraisals. The Department will discount appraisals by 20% that only include Fair Market Values when calculating a contractor's financial rating since the values may be inflated. This will help

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ensure that financially responsible contractors are bidding on Department projects.

At Section 650.240, Performance Factor (PF), the Department is adding a new category to its evaluation criteria concerning the overall execution of work. The new category is: the contractor's ability to meet the quality control/quality assurance (QC/QA) plan established by contract for materials production/construction quality control. This will provide the Department with a mechanism to evaluate a contractor based on conformance with the contractor's established quality control plan. Additionally, the Department has added a new QC/QA performance scale to cover this new category of evaluation. Finally, the Department has added a new provision that allows the Department to revoke a contractor's work rating when the contractor receives a quality of work rating of 2 for any work category being evaluated.

At Section 650.260, Equipment Factor (EqF), the Department is eliminating the equipment ownership and long term lease requirements for work ratings calculated by the secondary formula unless specialized equipment is required to perform the work. This change will apply to approximately 35 work categories that are calculated by the secondary formula (See Section 650.Appendix A.) Additionally, the Department is eliminating the equipment requirements for the work ratings calculated by the primary or advance formula except for categories that require a plant. Categories that require a plant are 2-PPC Paving, 3-Bituminous Plant Mix and 4-Bituminous Aggregate Mixture (See Section 650.Appendix A.). These changes will increase competition and encourage growth in the smaller firms.

At Section 650.340, Joint Ventures, the Department is revising this Section to provide that contractors whose financial ratings are based upon unaudited financial statements will not be permitted to joint venture with each other to bid contracts that exceed \$500,000 or \$1,500,000 depending on the contractor's unaudited status.

At Section 650.Appendix A, Available Work Categories, the Department has created one Pavement Marking Category at work category 27 (see Appendix A) to include Paint, Thermoplastic, Epoxy and Polyurea. This will allow contractors doing polyurea marking to become prequalified.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not affect units of local government or not-for-profit corporations.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Mr. Michael Copp, Prequalification Engineer
Illinois Department of Transportation
Division of Highways
2300 S. Dirksen Parkway, Room 322
Springfield, Illinois 62764

(217)782-3413

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses affected: Small businesses in the construction industry will be positively impacted by this rulemaking since the amendments are designed to increase competition and encourage growth in the smaller firms.
- B) Reporting, bookkeeping or other procedures required for compliance: No new reporting requirements are necessary for compliance with this rulemaking.
- 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 agendas because: the Department worked closely with industry and could not anticipate when all issues would be resolved.
- 15) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? Yes

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

PREQUALIFICATION OF CONTRACTORS, AUTHORIZATION TO BID, AND
SUBCONTRACTOR REGISTRATION AND
ISSUANCE OF PLANS AND PROPOSALS

SUBPART A: PREQUALIFICATION

Section	
650.10	Purpose
650.20	Definitions
650.30	Introduction to Prequalification
650.40	Application Requirements
650.50	Time for Submission
650.60	Public Disclosure of Contractor Information
650.70	Waiver of Prequalification and Additional Responsibility Considerations
650.80	Issuance and Effect of Ratings
650.90	Effective Date of Ratings
650.100	Expiration Date of Ratings
650.110	Denial or Revocation of Ratings
650.120	Extension of Ratings
650.130	Revisions to Prequalification Ratings
650.140	Transfer of Prequalification Ratings
650.150	Reconsideration and Appeal
650.160	Financial Rating – General
650.170	Financial Statement
650.180	Balance Sheet Schedules
650.190	Other Factors Considered in Determining Financial Ratings
650.200	Methods of Improving a Financial Rating
650.210	Computation of Financial Rating
650.220	Work Rating – General
650.230	Determination of Work Ratings
650.240	Performance Factor (PF)
650.250	Experience Factor (EF)
650.260	Equipment Factor (EqF)
650.270	Capacity to Perform (CP)

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650.280 Calculation of Work Ratings

SUBPART B: ~~AUTHORIZATION TO BID~~ISSUANCE OF PLANS AND PROPOSALS

Section

650.290 Advertising for Bids
 650.300 Request for ~~Authorization to Bid or Not for Bid Status~~Proposal Forms and Plans;
~~Authorization to Bid~~
 650.310 Affidavit of Availability
 650.315 Disclosure of Other Procurement Relationships
 650.320 Analyzing Requests for Authorization to Bid
 650.330 Issuance of Authorization to Bid
 650.340 Joint Ventures
 650.350 Denial of Authorization to Bid

SUBPART C: SUBCONTRACTOR REGISTRATION

Section

650.360 Purpose
 650.370 Registration of Subcontractors
 650.380 Eligibility to Quote or Perform Subcontract Work

650.APPENDIX A AVAILABLE WORK CATEGORIES
 650.APPENDIX B REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS
 650.APPENDIX C FINANCIAL PLEDGE LETTERS (Repealed)
 650.APPENDIX D FINANCIAL VERIFICATION LETTER
 650.APPENDIX E CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. 18775, effective December 7, 2000; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: PREQUALIFICATION

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Section 650.20 Definitions

"Affidavit of Availability" – A sworn affidavit indicating all work under contract, pending awards, all subcontracts and value of subcontracts.

"Affiliate" – A member of a group of two or more companies related to one another through common ownership, common management, common control or the power to exercise common control. Two corporations are affiliated when one owns less than a majority of the voting stock of the other, or when both are subsidiaries of a third corporation.

"Applicant" – Any prospective contractor who has applied for prequalification in compliance with the procedures delineated in this Part. "Applicant" may be used interchangeably with "Contractor" throughout this Part.

"Application for Prequalification" – A package of forms titled "[Application for Prequalification, Statement of Experience, Equipment and Financial Condition Contractor's Statement of Experience and Financial Condition](#)" (Form BC-8) required to be submitted by an applicant in support of its request for a determination of responsibility and a prequalification rating.

"Authorization to Bid" – The permission given to a contractor to submit a bid on a given Department letting item and the permission to have that bid read.

"Available Bidding Capacity" - The applicable available work ratings and the available financial rating.

"Available Financial Rating" – Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" – The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Appendix A of this Part).

"Certificate of Appraiser" – The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

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"Certificate of Eligibility" – A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Combining Financial Statement" – A comprehensive financial statement that presents the assets, liabilities, net worth, and operating figures of two or more affiliated companies. The statement presents each affiliate's financial data in separate, adjacent columns and a total column for the combined affiliate data.

"Consolidated Financial Statement" – A financial statement that presents the assets, liabilities, and operating accounts of a parent company and its subsidiaries.

"Contract" – The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" – The individual, partnership, corporation or other business entity recognized by law contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility.

"Contractor" may be used interchangeably with "Applicant" throughout this Part.

"Department" – The Illinois Department of Transportation.

"Department of Human Rights Identification Number" – A number assigned to an applicant who has prequalified with the Department of Human Rights.

"Director" – The Director of the Division of Highways or the Director's designee.

~~"District Engineer" – The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.~~

"Engineer of Construction" – The individual responsible for directing the

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development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" – The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" – A presentation of financial data, including accompanying notes, derived from accounting records that are intended to show an applicant's economic resources and obligations at a point in time or the changes therein for a period of time in conformity with a comprehensive basis of accounting.

"Joint Venture" – Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

"Letter of Subordination" – A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" – Total assets minus total liabilities.

"Parent" – A corporation that owns or controls subsidiary companies through the ownership of voting stock. A parent corporation is usually an operating company in its own right. Where the parent has no business of its own, the term "holding company" may apply.

"Prequalification" – The rating process established by the Department ~~that~~ which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" – The section within the Bureau of Construction of the Department responsible for determining responsibility, financial ratings, work ratings, and the issuance of bidding proposals.

"Request for Authorization to Bid or Not for Bid Status ~~Proposal Forms and Plans and Request for Authorization to Bid~~" – A form provided by the Department to assist a contractor in making a formal request for plans and proposals on CD-

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~~ROM proposal forms~~, and subsequent authorization to bid on ~~the one or all of the proposals~~ requested items.

"Responsibility" – The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance.

"Specialty Items" – Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" – A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" – A corporation having more than 50% of the voting stock owned by another corporation called the "parent".

"Transportation Bulletin" – The public document ~~that~~which is the official publication and invitation issued by the Department for bids on construction projects.

"Working Capital" – Current assets less applied discounts and current liabilities.

"Work Rating" – The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.30 Introduction to Prequalification

- a) As required by this Part, each contractor shall be prequalified prior to being considered for issuance of an Authorization to Bid on contracts advertised by the Department.
- b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.

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- c) Upon receipt of a completed application, the Prequalification Section evaluates the information, determines the responsibility of the applicant and calculates a prequalification rating for the applicant.
- d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures used by the Prequalification Section to determine these two subratings are delineated in this Subpart.
- e) After the Prequalification Section determines the applicant to be responsible and calculates the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.
- f) Pursuant to the Code, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining Authorization to Bid on contracts which are subject to the competitive bidding requirements of the Code. Information and forms concerning the rules of IDHR may be obtained from:

Illinois Department of Human Rights
Public Contracts Division
100 West Randolph – Suite 10-100
Chicago, Illinois 60601
(312) 814-~~2432~~24321

- g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. In addition, out-of-state prequalified contractors are required to staff and maintain an office located within the geographic boundaries of the State of Illinois. The in-state office will be the primary office at which all business with the Department will be conducted. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
~~HowlettCentennial~~ Building
~~3rd4th~~ Floor

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Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.40 Application Requirements

- a) ~~The application for prequalification is available on the Department's internet home page at www.dot.il.gov or by writing or calling. The Department shall furnish an application for prequalification to all prospective contractors who request such material. Requests shall be made by letter or telephone to:~~

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764
(217) 782-~~34136667~~

- b) An application for prequalification shall be complete and submitted on the form furnished by the Department and in accordance with this Part.
- c) An application for prequalification shall consist of the following information:
- 1) The applicant's name, address, telephone number and telefax number;
 - 2) The applicant's Federal Employer's Identification Number (F.E.I.N.) or social security number if the applicant does not have a F.E.I.N.;
 - 3) The applicant's Illinois Department of Human Rights Identification Number and registration expiration date;
 - 4) The applicant's completed Statement of Experience and Financial Condition;
 - 5) All other information required by this Part or requested by the Prequalification Section.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.50 Time for Submission

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- a) An applicant seeking to be prequalified with the Department for the first time must submit a complete~~The Department's Prequalification Section must receive the completed~~ application for prequalification no later than 4:30 p.m. prevailing time no later than twenty-one days prior to the scheduled date of the letting for which the applicant desires to bid. If the day of receipt falls on a weekend or a holiday, the following work day will determine the cut-off. The Department gives public notice of the letting dates and cut-off dates in the Transportation Bulletin. The Prequalification Section will make its determination at least three days prior to the relevant letting date. ~~Additional information to amend current prequalification ratings is also subject to the above submission requirements.~~
- b) An applicant seeking to renew its prequalification ratings with the Department must submit a complete renewal application prior to the expiration of the applicant's existing prequalification ratings (see Section 650.100 for additional information).
- ~~c~~b) If additional projects are advertised for a letting through the issuance of a supplemental bulletin, the day of receipt for application forms or additional information is seven days after the date of issuance of the supplemental bulletin to submit bids on those projects advertised in the supplemental bulletin.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.90 Effective Date of Ratings

The effective date of a Certificate of Eligibility shall be the date on which the ratings are determined and approved unless, for a new applicant, the application or additional information is received during the prequalification cut-off period (see Section 650.50(a) of this Part) in advance of a letting. For a renewal applicant, the effective date of a Certificate of Eligibility shall be the date on which the ratings are determined and approved unless the application or additional information is received after the authorization to bid cut-off date (see Section 650.330(b) of this Part) in advance of a letting. In ~~these instances~~~~that instance~~, the effective date shall be the day following the letting or the date on which the ratings are determined and approved, whichever is later.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.100 Expiration Date of Ratings

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All prequalification ratings issued by the Department will expire sixteen months from the date of the financial statement (balance sheet). The expiration date of current ratings will be shown on the Certificate of Eligibility issued to the contractor. Four months prior to the expiration date of the Certificate of Eligibility, the Department will mail ~~a renewal notice~~~~application forms~~ to the prequalified contractor ~~stating that all required forms can be acquired at www.dot.il.gov for its use~~ if it intends to submit a renewal application in accordance with Section 650.50 of this Part. ~~The provisions of this Part shall apply to all current prequalification ratings issued before the adoption of this Part.~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.110 Denial or Revocation of Ratings

- a) Prequalification ratings will be denied, or previously issued ratings will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:
- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
 - 2) the applicant provided false information regarding the application;
 - 3) the applicant is suspended pursuant to Sections 20-75 and 50-65 of the Illinois Procurement Code [30 ILCS 500/20-75 and 50-65] by the Department or another State agency;
 - 4) the applicant is suspended or debarred by the United States through a federal agency;
 - 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the Prevailing Wage Act [820 ILCS 130/11a];
 - 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];

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- 7) the applicant is ~~subject to statutory suspension or debarment pursuant to the debarred by the operation of the antibribery~~ provisions of ~~the Illinois Procurement Code [30 ILCS 500]Section 50-5 of the Code [30 ILCS 500/50-5];~~
- 8) ~~the applicant is suspended by operation of the antifelony conviction provisions of Section 50-10 of the Code [30 ILCS 500/50-10];~~
- 89) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act [30 ILCS 580/6];
- 910) the applicant is an individual and debarred by operation of the Educational Loan Default Act [5 ILCS 385];
- ~~1011) the applicant is suspended or debarred by operation of Section 25 of the Procurement of Domestic Products Act [30 ILCS 517/25]the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;~~
- 1112) the applicant ~~is not eligible pursuant to, or~~ has failed to comply with the requirements of this Part;
- ~~1213) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;~~
- 1314) the applicant's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part;
- ~~1415) the applicant has failed to execute a contract after award, has been declared in default or has otherwise substantially breached its obligations on any contract or contracts awarded or approved for award by the Department; or~~
- ~~1516) the applicant has been convicted for the violation of any State or federal law having relevance to the integrity and reliability of the applicant.~~
- b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.

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- c) A denial or revocation will apply to the applicant or contractor named therein and to any parent, subsidiaries, affiliates or later created, established, formed or reorganized companies, firms or entities having substantially the same ownership, beneficiaries, management or control as the denied or revoked applicant or contractor. Application of the scope of a denial or revocation will be construed broadly by the Department for the express purpose of preventing the circumvention of the decisions of the Department by the means of creating new applicants for prequalification.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.170 Financial Statement

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

- a) **Audited Status**
The Department will require all applicants seeking an audited status to adhere to the following:
- 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, auditor's notes, and an income statement.
 - 2) All data shall be secured from an audit conducted no more than twelve months prior to the time the financial statement is received by the Department.
 - 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.
 - 4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.
 - 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Professional

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Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.

- 6) No certified financial statement will be accepted which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
 - 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
 - A) name, address, and telephone number of the accounting firm involved with the audit;
 - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
 - C) the date of audit;
 - D) the degree of responsibility assumed by the CPA; and
 - E) the accountant's opinion (see subsection (b) of this Section).
- b) **Opinion of Certified Public Accountant**
An auditor's or CPA's opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:
- 1) **Unqualified opinion** – an opinion which contains no exceptions and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting

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principles were used as those used in the preceding year.

- 2) Qualified opinion – an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the ~~reasons~~ reason(s) for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.
- 3) Adverse opinion – an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position. Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.
- 4) Disclaimer of opinion – a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

c) Unaudited Status

The Department will require all applicants seeking an unaudited status to adhere to the following:

- 1) The financial rating in the unaudited status is determined subject to the following limitations:
 - A) the applicant's financial rating shall be limited to no more than \$500,000 when a balance sheet is prepared and submitted by the applicant; or
 - B) the applicant's financial rating shall be limited to no more than \$1,500,000 when a reviewed or compiled balance sheet is prepared by an accountant and submitted by the applicant~~the applicant shall~~

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~~not have been awarded more than \$600,000 in transportation contracts, including Local Agency Motor Fuel Tax contracts, during any twelve month period. If this condition occurs subsequent to the issuance of a Certificate of Eligibility, the prequalification ratings will automatically expire.~~

- 2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:
 - A) must be prepared from data secured from the applicant's records;
 - B) must not be more than twelve months old at the time of receipt by the Department;
 - C) must be completed and in balance; and
 - D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.
- d) Interest in Other Firms
 - 1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.
 - 2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.
 - 3) Each applicant shall disclose, in the application for prequalification, the name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person. If the company is a corporation, the name of all the officers and directors and

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their respective positions shall be disclosed.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.180 Balance Sheet Schedules

In order to provide for the determination of ratings in as objective a manner as possible, the Department has established specific evaluations and classifications for a number of financial rating items. The value attached to the affected financial rating items shall be calculated by decreasing its face value by the discount established in this Part for that item. Where a valuation or classification materially affects an applicant's financial rating, and insufficient information has been submitted, the Department may ask for clarification or substantiation of a classification made by the accountant in preparing the statement. If schedules in the format established in the "Contractor's Statement of Experience and Financial Condition" are not completed, the maximum discounts will be applied. The various financial rating items and their corresponding discounts are delineated as follows:

- a) Current Assets
 - 1) Schedule A – Cash

Cash includes currency, personal checks, bank drafts, money orders, cashiers checks and money on deposit with banks. The Department classifies cash as a current asset and attaches no discount, provided:

 - A) Deposits made for a sole proprietorship are held in the name of either the proprietor solely, or jointly with the proprietor's spouse.
 - B) Deposits made for a partnership are held either in the name of any of the general partners, or in the name of the partnership.
 - C) Deposits made for a corporation are held in the name of the corporation only.
 - D) Deposits are free of debt or obligation. Certificates of deposits and other cash assets that are pledged will be discounted by the amount of debt or obligation.
 - E) For a firm in an unaudited status, a financial release must be submitted by the firm's bank to verify balances as of the balance sheet date.

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2) Schedule B – Notes Receivable

Notes receivable will be evaluated and classified as follows:

	Discount
A) Secured notes receivable due within one year	0%
B) Unsecured notes receivable	100%
C) Any note receivable, or portion thereof, which will not be due and payable or is not expected to be collected within one year from the statement date	100%
D) Notes receivable from stockholders, officers, directors, employees, parent, subsidiaries and affiliates	100%

3) Schedule C – Certified and Cashier's Checks on Deposit

Deposits which may be included are those which are expected to be refunded within the current period or upon request of the depositor. An example is a deposit for a proposal guarantee. Purchase deposits on real estate and equipment will be included in determining the value of those fixed assets. All other deposits will be discounted 100 percent.

4) Schedule D – Accounts Receivable – Contracts

Accounts receivable from federal and State agencies for all contracts, and from local agencies for transportation contracts are considered as current assets regardless of the contract completion date. If the applicant has completed work not covered by current pay estimates and an item for such work is shown, the accountant shall obtain evidence in writing from the parties for whom the work was performed to justify such an item. Accounts receivable shall be evaluated as follows:

	Discount
A) From federal and State agency contracts and local agency transportation contracts.	0%

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| B) | From contractors on federal and State agency contracts and local agency transportation contracts. (Note: The receivables in subsections (a)(4)(A) and (B) above must be clearly denoted on Schedule D in order to escape discount.) | 0% |
| C) | From other contracts or entities. | 10% |
| D) | Work completed but unbilled (other entities). | 10% |
| E) | Over one year old (other entities). | 100% |
| 5) | Schedule E – Other Accounts Receivable | |
| A) | Any other account receivable, such as claims for tax refunds, will be carefully considered to determine whether it constitutes an authentic receivable and is collectible within one year. | |
| B) | Other accounts receivable shall be evaluated as follows: | |
| | | Discount |
| i) | Accounts receivable offset by accounts payable. | 0% |
| ii) | Income tax refunds. | 0% |
| iii) | Judgements and insurance claims receivable. | 100% |
| iv) | Accounts receivable over one year old. | 100% |
| v) | Accounts receivable from stockholders, officers, directors and employees. | 100% |
| vi) | Accounts receivable from parent, subsidiaries and affiliates. (See the exception to this discount in subsection (a)(5)(B)(vii) of this Section.) | 100% |
| vii) | Accounts receivable from prequalified parent subsidiaries and affiliates whose | 0% |

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financial statement date corresponds to the prequalifying company and whose financial statement of the same date shows a corresponding accounts payable.

- C) Total discounts for accounts receivable will be offset by any allowance established for bad debt except in cases ~~that~~which involve 100% discounts.
- D) In determining whether the status of a receivable is current, reference will be made to the previous statements submitted by the applicant. The appearance of an item on two or more successive statements indicates that the receivable is not current and perhaps uncollectible. Therefore, the receivable will be considered noncurrent.

6) Schedule F – Stocks and Bonds

- A) In listing stocks, bonds, investments, etc., in Schedule F, the accountant shall show as separate items the applicant's investments in other contracting firms.
- B) Stocks, bonds and other investments are evaluated and classified as follows:

	Discount
i) Municipal, State and U.S. Bonds (cash surrender value)	0%
ii) U.S. Treasury Bills (cash surrender value)	0%
iii) Repurchase agreements	0%
iv) Annuities and Individual Retirement Accounts	10%
v) Stocks, bonds and investments, including commercial paper	
(book value shown on balance sheet)	25%
(market value shown on balance sheet)	33⅓%

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vi)	Special Assessment vouchers – tax anticipation warrants	25%
vii)	Stocks of parent, subsidiaries, affiliates, etc., which are themselves prequalified	100%
viii)	Nonmarketable equities – defined as equities not readily available for public sale	100%
ix)	Stock in civic organizations or social clubs (i.e., country club, co-op stock, etc.)	100%
x)	Artwork and collections	100%
xi)	Investments in joint ventures	25%
xii)	Investments in nonprequalified affiliated companies	25%
xiii)	Deferred tax asset	33⅓%
xiv)	Personal effects (sole proprietor)	100%
7)	Schedule G – Material in Stock	
A)	Inventories are evaluated and classified as follows:	
		Discount
i)	Verified value of material in stock for current contracts except sod and growing nursery stock	0%
ii)	Verified value of other material in stock	10%
iii)	Verified book or appraised value of sod and growing nursery stock	50%
B)	In completing Schedule G, the accountant shall exclude the value of any material for which a material allowance has been paid.	

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- 8) Schedule H – Cash Surrender Value of Life Insurance
Cash surrender value, not face value, of life insurance is considered a current asset provided the amount of any policy loan is considered as a current liability.
- 9) Schedule I – Prepaid Items
All prepaid items will be discounted 100%.
- 10) Schedule J – Relation of Billings and Costs
- A) This schedule is established for the convenience of those contractors that report income for Federal tax purposes on the cash method (completed contract), but who prepare financial statements on the accrual method (percentage of completion).
- B) Where the applicant classifies his billings in excess of costs as a fixed or other liability, the Department shall reclassify it as a current liability.
- C) The discount applied to billings and costs by the Department is as follows:

	Discount
Costs in excess of billings (current assets)	10%

b) Fixed Assets

- 1) Schedule K – Real Estate
- A) No consideration is given if title-held land and improvements are not verified by the certified public accountant for audited financial statements.
- B) The allowance for real estate is the value of title-held land and improvements less long term encumbrances from commercial lending institutions times a factor of 50 percent.
- C) The value may be based on an accredited real estate appraisal which is not more than 24 months old at the time of receipt by the

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Department. The appraiser's background, experience and references must be submitted. The information on the appraiser is not required if a tax assessment value is provided. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.

- D) An applicant shall submit the Department's Certificate of Appraiser.
- E) If an appraisal is not submitted or accepted, the allowance will be based on book value.
- F) If the net appraised or book value is less than long term encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.
- G) No allowances are given for oil leases, leasehold improvements, mineral leases or land lease prepayments.

2) Equipment

- A) In the case of audited financial statements, the accountant shall verify the correctness of the equipment schedule. All equipment which is still serviceable, even though fully depreciated, shall be included and listed by classification such as graders, scrapers, front-end loaders, bulldozers, cranes, etc.
- B) The allowance for equipment is the value of owned construction equipment, including purchase deposits and capital leases, less long term encumbrances to commercial lending institutions times a factor of 70 percent. No value will be given for operating leases or rental equipment.
- C) The value may be based on an accredited equipment appraisal (physical inspection) that is not more than 24 months old at the time of receipt by the Department. The appraiser's background, experience and references shall be submitted. The firm must request the use of the appraisal and note any deletions or additions (with corresponding values) since the appraisal date.

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D) An applicant shall submit the Department's Certificate of Appraiser.

E) An appraisal that includes only the fair market value will be discounted 20% before being included in the calculation of an applicant's financial rating.

FE) If an appraisal is not submitted or accepted, the allowance will be based on book value.

GF) The accountant may restate any accelerated depreciated value to straight-line depreciation for determining book value.

HG) If the net appraised or book value is less than long term encumbrances, no reclassification of excess encumbrance will be made to current liabilities if current year's payments are provided for in current liabilities.

c) Schedule L – Other Current or Fixed Assets

If an applicant lists other assets not described in this Part, they shall be described in sufficient detail to be considered. Allowances for this category include, but are not limited to, the following:

	Discount
1) Nonconstruction equipment (classify to equipment)	0%
2) Accrued interest and dividends with adequate detail	10%
3) Grain and livestock (classify to inventory)	25%
4) Interest and dividends from stockholders, officers, directors, employees, parent, subsidiaries and affiliates	100%
5) Organization expense/good will	100%
6) Investment credit	100%

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 650.190 Other Factors Considered in Determining Financial Ratings

- a) Notes and Accounts
- 1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes ~~that~~which are not subordinated will be considered as current liabilities. Subordinations ~~that~~which are not honored will not be considered on subsequent financial statements.
 - 2) Long term notes (~~that~~which are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
 - 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year are considered deferred liabilities.
 - 4) When notes payable are secured by all assets ~~or current assets~~ of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).
 - 5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.
 - 6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement ~~that~~which shall disclose the date of the loan, the termination

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date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.

- b) **Income Taxes**

The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on its receivables. When deferred taxes are represented as a long term asset, the asset will be given no credit.
- c) **Dividends**

Where dividends of the applicant, declared or proposed, have neither been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.
- d) **Treasury Stock**

If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.
- e) **Related Companies**
 - 1) Applicants may be related to other concerns or companies by virtue of a parent, subsidiary or affiliate connection. Also, two or more concerns or companies may operate in a coordinated manner to maintain a single set of ratings. Applicants seeking a prequalification financial rating based upon the financial strength of the applicant and a related company or seeking a financial rating in conjunction with the financial strength of a group of related companies will be evaluated and issued ratings based upon an assessment of the financial statements submitted in accordance with this subsection (e) provided that the operational roles of the related companies in the business activity of the applicant are consistent with the work ratings applied for pursuant to this Part.
 - 2) A consolidated financial statement from a parent corporation may be used

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to prequalify a subsidiary corporation or group of subsidiary corporations. A Certified Assumption and Guarantor Agreement must be submitted with the financial statement. If more than one subsidiary is identified by a holding company for bidding purposes, the Department will establish the bidding identity for each subsidiary.

- 3) The Department may request a consolidated financial statement from the parent corporation of a subsidiary requesting prequalification. The Department will deny credit for assets of a subsidiary that are unduly burdened or otherwise heavily encumbered, or are not available because of the financial condition of the parent corporation.
- 4) A combining financial statement may be used to prequalify an affiliated company or group of affiliated companies. Separate financial statements may be used to prequalify two or more related companies that provide the material production and construction capability necessary to support a work rating classification. An applicant seeking a financial rating for a group of affiliated companies based upon the combined affiliate data presented in a combining financial statement or separate financial statements shall present a full description of the businesses' operations and interdependencies. ~~A Guaranty Agreement~~~~Certified Assumption and Guarantor Agreements~~ will be required. The Department will not credit assets between affiliates for purposes of individual affiliate financial ratings without a ~~Guaranty Agreement~~ ~~Certified Assumption and Guarantor Agreement~~ and any necessary lease agreements in accordance with Section 650.260(b)(2) of this Part. In all instances, if more than one affiliate is identified for bidding purposes, the Department will establish the bidding identity for each affiliate.
- f) Letters of Credit
Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.240 Performance Factor (PF)

- a) The Performance Factor is a numerical value which is determined by the contractor's performance evaluation in a work category during the previous year. At the close of each construction season, the Department, other State agencies or

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authorities using contractors based on the prequalification decisions of the Department and officials of a unit of local government administering a contract approved for award by the Department will evaluate each contractor who performed work for them during the previous year either as a prime contractor or as a subcontractor. This information is submitted on the Contractor's Annual Performance Report (BC-1777), and will be held confidential from disclosure in accordance with Section 7(1)(a) of the Freedom of Information Act [5 ILCS 140/7(1)(a)]. The performance evaluations are based on:

- 1) The quality of work performed for each work category defined in Section 650.Appendix A of this Part.
- 2) The overall execution of work as measured by evaluating sixfive categories.
 - A) Organization and prosecution of the work;
 - B) Cooperation with public agency personnel responsible for contract administration and inspection;
 - C) Traffic control and site protection as provided by contract requirements;
 - D) Compliance with EEO and labor requirements; ~~and~~
 - E) Erosion Control; ~~and-~~
 - F) Contractor's ability to meet the Quality Control/Quality Assurance (QC/QA) plan as provided by contract requirements for materials production/construction quality control.
- b) The performance evaluation scale is a rating from 2.0 to 8.0 in accordance with the following definitions:
 - 8.0 Excellent
 - 7.0 Good
 - 6.0 Satisfactory

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4.0 Marginal

2.0 Poor

- c) The quality and evaluating categories under execution of work are defined and rated as follows.
- 1) Quality – The project's durability and appearance, the knowledge of supervisory personnel, and the compliance with contract requirements (i.e., plans, specifications, field inspection, etc.) are considered.
 - 2) Quality Scale
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 The contractor did not meet project requirements in two or more areas considered.
 - 3) Organization/Prosecution – The contractor's ability to diligently prosecute work by planning and scheduling labor, materials and the work of subcontractorssubcontractor's on the project site are considered.
 - 4) Organization/Prosecution Scale
 - 8.0 The contractor exceeded project requirements in all areas considered and completed the project well ahead of schedule.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered and the project was completed slightly ahead of schedule.

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- 6.0 The contractor met project requirements in all areas considered and the scheduled completion date was met.
- 4.0 The contractor did not meet project requirements in one area considered and occasionally did not work when conditions permitted. The scheduled completion date was met.
- 2.0 The contractor did not meet project requirements in two or more areas considered and the scheduled completion date was not met.
- 5) Cooperation – The contractor's willingness to negotiate contract disputes, to respond to reasonable requests by the resident engineer and to respond to various Departmental correspondence are considered.
- 6) Cooperation
- 8.0 The contractor exceeded project requirements in all areas considered.
- 7.0 The contractor exceeded project requirements in a majority of areas considered.
- 6.0 The contractor met project requirements in all areas considered.
- 4.0 The contractor did not meet project requirements in one area considered.
- 2.0 The contractor did not meet project requirements in two or more areas considered.
- 7) Traffic Control/Site Protection – The appearance of the traffic control devices, the response to repair deficient devices and the contractor's willingness to comply with the Traffic Control Plan (TCP) are considered.
- 8) Traffic Control/Site Protection
- 8.0 The contractor exceeded project requirements in all areas considered.
- 7.0 The contractor exceeded project requirements in a majority of

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areas considered.

- 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 Either the contractor did not meet project requirements in two or more areas considered or the contractor committed an act or omission which seriously compromised the safety of the public.
- 9) EEO/Labor Compliance – The contractor's compliance with the Equal Employment Opportunity program and compliance with labor laws are considered.
- 10) EEO/Labor Compliance
- 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor met project requirements through extraordinary effort and initiative.
 - 6.0 The contractor met project requirements with minimum effort and initiative.
 - 4.0 The contractor met project requirements, but had to be motivated by Department personnel.
 - 2.0 The contractor did not meet project requirements.
- 11) Erosion Control – The contractor's compliance with the project's erosion control plan and all pertinent federal and State laws, permits and regulations.
- 12) Erosion Control
- 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor exceeded project in a majority of the areas considered.

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- 6.0 The contractor met project requirements in all areas.
- 4.0 The contractor did not meet the project requirements in one area considered.
- 2.0 The contractor did not meet the contract requirements in two or more areas.

13) QC/QA – The contractor's ability to meet QC/QA inspection, testing, and documentation requirements; control of product; take corrective action; and communicate production/construction issues to Department personnel are considered.

14) QC/QA Scale

8.0 The contractor exceeded QC/QA requirements in all areas considered.

7.0 The contractor exceeded QC/QA requirements in a majority of areas considered.

6.0 The contractor met QC/QA requirements in all areas considered.

4.0 The contractor did not meet QC/QA requirements in one area considered.

2.0 The contractor did not meet QC/QA requirements in two or more areas considered.

- d) The Performance Factor is calculated by first determining the Project Cost Ratio (PCR) for the relevant work category. The PCR is the ratio of the value of all contracts being evaluated to the value of all contracts performed. Secondly, a weighted performance evaluation value is established for each performance evaluation completed by determining the product of the PCR, the rating for quality given on the relevant performance evaluation and the averaged ratings for execution given on the relevant performance evaluation divided by 6. Finally, the summation of all weighted performance evaluation values is divided by 6 to arrive at the PF.

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- e) A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 6.0 for two successive years. A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 4.0 for one year.
- f) The Department will evaluate performance on any individual contract or group of contracts for purposes of determining the current responsibility of a contractor when the Engineer of Construction has determined that performance on any contract or contracts may not be acceptable and that an immediate evaluation is necessary to assess the responsibility of a contractor in order to protect the interests of the State in sound procurement practices. If the evaluation ordered by the Engineer of Construction results in the quality of work or the average overall execution of work ratings being rated at less than 4.0, the work ratings evaluated will be revoked.
- g) If a contractor receives a Quality of Work Rating of 2 for any work category being evaluated on any one contract, the work rating will be revoked.
- h)g) The contractor shall be notified of the performance evaluation in writing within 14 days with a detailed explanation of any substandard items. If a performance evaluation results in a denied, reduced or revoked work rating, the contractor may proceed with the review procedures in accordance with Section 650.150 of this Part.
- i)h) If an applicant did not have a contract with the Department in the previous year, the last evaluation issued within a five year period will be used. If an applicant has not had an evaluation in the last five years or is applying for an initial rating in a category and lists no public agencies or private customers as references, a Performance Factor of "1" will be used until an actual evaluation is made.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.260 Equipment Factor (EqF)

- a) Work categories which require the applicant to have specific equipment and plant facilities are indicated in Section 650.Appendix A of this Part. Determination of work ratings in these categories requires the calculation of an Equipment Factor which measures the physical productive capacity of the applicant's equipment and facilities. Equipment Factors are based on standards which produce an average

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dollar value of productivity as set forth in Section 650. Appendix A of this Part. The Department may adjust the standards as necessary to reflect increases in construction costs. The word "equipment" used in this Section includes all machines, tools and plant facilities.

- b) In calculating Equipment Factors, the Department will consider:
- 1) Equipment owned outright.
 - 2) Rented equipment. Confirmation of rented equipment available for use~~Possession and exclusive control of the equipment~~ by the lessee shall be ~~confirmed by the~~ submittal of a signed and notarized affidavit. No credit will be given for rented equipment not available in possession to establish an equipment factor. Applicants shall submit a copy of the rental agreement, which must contain the following:
 - A) Time period. ~~The duration of the prequalification period is required.~~
 - B) Make, model, year, serial number and size or capacity of the equipment.
 - C) Monetary consideration.
 - D) Signature of the lessee and lessor.
- c) Credit for equipment will not be given until the applicant provides proof that all required federal, State or local permits or licenses to operate the equipment have been obtained.
- d) No credit will be given for any piece of equipment that is not serviceable, that is in disrepair or that is inoperable. A disassembled piece of equipment that is in all other respects serviceable, operable if assembled and available in accordance with subsection (f) of this Section may be credited provided that it will be assembled for the performance of contracts awarded during the period of prequalification. For example, a batch plant supporting a Portland Cement Concrete Paving work rating may be disassembled, stored and reassembled for use on contracts awarded during the period of prequalification.
- e) Equipment, including but not limited to front-end loaders, motor graders and

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cranes are versatile and can perform several types of work. If the contractor does not assign equipment to a specific category, the Department will assign the equipment on the basis of the contractor's work experience and requested ratings.

- f) The Department will give credit for equipment that is available for a work rating category. Conditions rendering equipment unavailable may include but are not limited to the following:
- 1) Equipment owned but leased to another individual or business.
 - 2) Equipment that is devoted to a business enterprise of the applicant unrelated to or inconsistent with making the equipment available for the work category sought. Examples of this unavailability condition include but are not limited to the following. An applicant may have front-end loaders that are used in a quarry. This equipment would not be considered available for the work category of Earthwork. An applicant may sell the product of a concrete plant to the public by retail sales. This plant would not be available for the work category of Portland Cement Concrete Paving.
 - 3) Equipment that is not readily transported or relocated and that is not located within the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
 - 4) Equipment that is readily transported or relocated but the applicant does not demonstrate, with intent and action, the transportation or relocation to the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
 - 5) Equipment not available to in the possession and control of the applicant or not capable of being used to perform contracts for any reason.
- g) The applicant shall make equipment available for inspection by the Department to verify possession, to determine serviceability, and to confirm availability for use in the work category.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 650.270 Capacity to Perform (CP)

- a) The Capacity to Perform represents the annual dollar value of work completed by an applicant ~~that~~which is related to the category of work for which a rating is requested. The work must have been performed for the Department or other entity the Department considers to be a source of valid and verifiable information. The performance of the applicant must be that as a continuous operating entity. Credit will not be given for work performed as an owner or employee of another firm.
- b) The Capacity to Perform is the average of the three highest volume years in the last ten years. If a new applicant does not have three years' of experience or if there is ~~ana-sustained~~ increase in the volume of work performed, the Department will use a value ~~that~~which does not exceed the highest volume year as the capacity to perform.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: ~~AUTHORIZATION TO BID~~ISSUANCE OF PLANS AND PROPOSALS**Section 650.300 Request for ~~Authorization to Bid or Not for Bid Status~~Proposal Forms and Plans; ~~Authorization to Bid~~**

A Request for ~~Authorization to Bid or Not for Bid Status~~Proposal Forms and Plans and Request ~~for Authorization to Bid~~ (Form BD-124 ~~INT~~) is published with the Transportation Bulletin. The Form BD-124 ~~INT~~ shall be used by contractors to request proposals and plans on CD-ROM and to request formal authorization to bid on contracts advertised in the Transportation Bulletin. Anyone may obtain proposal forms and plans regardless of prequalification status. An Authorization to Bid must be granted in accordance with this Part before a prequalified contractor may submit a bid.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 650.340 Joint Ventures

- a) Prequalified contractors may combine their available bidding capacity and request an Authorization to Bid for a single contract to bid as a joint venture after Department approval.
- b) Each request for approval of a joint venture shall be indicated by the filing of a

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Certificate of Joint Venture for each of the contracts for which joint venture approval is sought. The form is available from the Prequalification Section. It identifies the managing partner and indicates the joint venture agreement shall be available to the Department for inspection. In addition, each joint venture partner firm shall submit an Affidavit of Availability. The Certificate must be received no later than 4:30 p.m. prevailing time at least seven days prior to the scheduled date of the letting for which bidding proposals are sought.

- c) The proposed joint venture shall not be approved for the issuance of bidding proposals if the establishment of a joint venture would unduly restrict competition. A determination that a proposed joint venture would unduly restrict competition is limited to any of the following reasons:
- 1) That the proposed joint venture would consist of more than three prequalified contractors unless the project is designated by the Department in the advertisement for bids as open for unrestricted joint venturing due to the magnitude, complexity and risks of the work.
 - 2) That for letting items estimated by the Department to be bid at less than \$1,000,000, more than one of the proposed joint venture partners has the individual prequalification ratings and bid capacity to bid the item without the approval of the venture. This determination shall not apply to joint ventures between affiliated contractors based upon 51 percent or more common controlling ownership or common management where the officers, directors or general partners control the board of directors and/or management of each contractor.
- d) Contractors whose financial ratings are based upon unaudited financial statements will not be permitted to joint venture with each other to bid contracts that which are estimated to exceed \$500,000 or \$1,500,000, depending on the contractor's unaudited status (see Section 650.170(c)(1)(A) and (B)). However, such contractors may be permitted to joint venture with contractors who have a financial rating based upon an audited statement to bid contracts estimated to exceed \$500,000.
- e) If a joint venture work rating is limited by its maximum financial rating, the full value of the computed work rating will be used in analyzing the joint venture request for a bidding proposal. However, the combined maximum work rating in any category shall not exceed the combined maximum financial rating of the joint venture.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART C: SUBCONTRACTOR REGISTRATION

Section 650.370 Registration of Subcontractors

- a) All firms desiring to bid or quote subcontract work to prequalified contractors holding authorization to bid on contracts advertised by the Department shall register on an annual basis for inclusion in the participant list. Prequalified contractors are included automatically on the participant list. Contractors that are not prequalified but that desire to bid or quote subcontract work on any Department contract shall register in accordance with this Subpart C.
- b) The Department shall furnish an electronic registration form for use by potential subcontractors desiring registration. The electronic form is obtained and shall be completed at the Department's web site at www.dot.il.gov ~~www.dot.state.il.us~~. Requests for information regarding registration and the electronic form may be made by mail or by telephone to:
- Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 S. Dirksen Parkway, Room 322
Springfield, IL 62764
(217) 782-6667
- c) The following information will be required to be reported on the registration form:
- 1) the firm's name,
 - 2) the firm's address and telephone number,
 - 3) ~~the firm's tax ID type and tax ID number~~ ~~the firm's status as a DBE or non-DBE~~,
 - 4) the date the firm was established and its form of business organization,
 - 5) the annual gross receipts of the firm for the prior fiscal year of the firm, and

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- 6) the owners of the firm.
 - d) A registered firm will be issued a confirmation number.
- (Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 650.APPENDIX A AVAILABLE WORK CATEGORIES

- 1 Earthwork
- | 2 Portland Cement Concrete (PCC) Paving
- 3 Bituminous Plant Mix
- 4 Bituminous Aggregate Mixtures
- | 5 ~~Miscellaneous~~ Bituminous Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- | 8 Aggregate Bases & Surfaces (Type A and Type B)
- | 9 Structures (Highway, Railroad, and Waterway~~H,RR,W~~)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- | 15 Cover and Seal Coats (Type A and Type B)
- 16 Slurry Applications
- | 17 ~~Miscellaneous~~ Concrete Construction
- 18 Landscaping
- 19 Seeding and Sodding

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- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 ~~Paint~~ Pavement Markings (Paint, Thermoplastic, Epoxy, and Polyurea) Marking
- 28 Thermoplastic Pavement Marking
- 29 Epoxy Pavement Marking
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction
- 39 Marine Construction

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- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

1 – EARTHWORK

Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment factor (EqF)</u>
Self-propelled scrapers	\$21,000 per cubic meter of heaped capacity \$16,000 per cubic yard of heaped capacity
Pull type scrapers	\$12,000 per cubic meter of heaped capacity \$9,000 per cubic yard of heaped capacity
Gradalls	\$115,000 each
Graders	\$100,000 each
Cranes, shovels, excavators and backhoe loaders	\$360,000 for .5 cubic meter bucket size \$405,000 for .75 cubic meter bucket size \$480,000 for 1 cubic meter bucket size \$580,000 for 1.25 cubic meter bucket size \$730,000 for 1.5 cubic meter bucket size \$800,000 for 1.75 cubic meter bucket size

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	\$880,000 for 2 cubic meter bucket size
	\$1,060,000 for 2.5 cubic meter bucket size
	\$1,400,000 for 3 cubic meter bucket size
	\$1,730,000 for 3.5 cubic meter bucket size
	\$375,000 for .75 cubic yard bucket size
	\$405,000 for 1 cubic yard bucket size
	\$460,000 for 1.25 cubic yard bucket size
	\$550,000 for 1.5 cubic yard bucket size
	\$635,000 for 1.75 cubic yard bucket size
	\$750,000 for 2 cubic yard bucket size
	\$835,000 for 2.5 cubic yard bucket size
	\$1,010,000 for 3 cubic yard bucket size
	\$1,210,000 for 3.5 cubic yard bucket size
	\$1,440,000 for 4 cubic yard bucket size
	\$1,610,000 for 4.5 cubic yard bucket size
Front-end loaders	\$115,000 for less than 1.5 cubic meter bucket size
	\$210,000 for 1.5 to 2 cubic meter bucket size
	\$340,000 for 2.1 to 3 cubic meter bucket size
	\$475,000 for 3.1 to 4 cubic meter bucket size
	\$605,000 for greater than 4 cubic meter bucket size
	\$115,000 for less than or equal to 2 cubic yard bucket size
	\$230,000 for 2.1 to 3 cubic yard bucket size
	\$375,000 for 3.1 to 4 cubic yard bucket size
	\$460,000 for 4.1 to 5 cubic yard bucket size
	\$605,000 for greater than 5 cubic yard bucket size
Skid-steer loaders	\$50,000 each
Bulldozers	\$200,000 each
Fine grading equipment	\$200,000 each
Self-propelled rollers	\$50,000 each
Pull-type rollers	\$15,000 each
Disc	\$15,000 each
Water truck	\$1.35 per liter
	\$5 per gallon
Off-road and bottom-dump trucks	\$20,000 per cubic meter of heaped capacity
	\$15,000 per cubic yard of heaped capacity

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Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to Miscellaneous Concrete Construction.

EQUIPMENT: A central mix plant or a batch plant with truck mixers, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula.

EquipmentEquipment Factor (EqF)

Central Mix Plant and Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.0) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.0)
Central Mix Dual Plant and Dual Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.7) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.7)

* To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one truck mixer for every cubic yard of batch capacity of the plant.

3 – BITUMINOUS PLANT MIX

The placement of bituminous concrete binder and surface course (Class I and Superpave), bituminous concrete base course widening, bituminous base course, bituminous aggregate mixture stabilized sub-base, bituminous shoulder, bituminous curb, bituminous gutter, bituminous curb and gutter, bituminous sidewalk, bituminous driveway, bituminous median, bituminous patching, open graded asphalt friction course and incidental bituminous surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving.

EQUIPMENT REQUIRED: An approved bituminous (HMA) plant, an approved bituminous

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spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	MTPH x (8 Hrs./Day) x (80 Days/Yr.) x (\$35/Ton)
Tons Per Hour (TPH)	TPH x (8 Hrs./Day) x (80 Days/Yr.) x (\$32/Ton)

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures.

4 – BITUMINOUS AGGREGATE MIXTURES

Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving.

EQUIPMENT REQUIRED: An approved bituminous (HMA) plant, an approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	MTPH x (8 Hrs./Day) x (80 Days/Yr.) x (\$29/Ton)
Tons Per Hour (TPH)	TPH x (8 Hrs./Day) x (80 Days/Yr.) x (\$26/Ton)

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures.

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5 – MISCELLANEOUS BITUMINOUS PAVING

Consists of placing bituminous base, surface, widening or shoulders with a bituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I, or BAM, or Superpave) or as specified by the local agency. Bituminous curb and gutter, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under Bituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

6 – CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.

7 – SOIL STABILIZATION AND MODIFICATION

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

8 – AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

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8 – AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Grader and compaction equipment (Type A)	\$375,000 each
Mechanical spreader and compaction equipment (Type A)	\$375,000 each
Grader (Type B)	\$375,000 each
Mechanical spreader (Type B)	\$375,000 each
Widener	\$200,000 each

9 – STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), erection, installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, Miscellaneous Concrete Construction, Fencing and Signing.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

9 – STRUCTURES (RAILROAD)

Consists of items listed above. This category is specific to structures carrying railroad transportation.

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9 – STRUCTURES (WATERWAY)

Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

10 – STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to Miscellaneous Concrete Construction, Fencing and Signing. This work can be completed under the Structures (Highway) category.

EQUIPMENT: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

11 – ANCHORS AND TIEBACKS

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Construction of all types of anchors and tiebacks ~~that which~~ provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

EQUIPMENT REQUIRED: Auger, drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

12 – DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation and adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.

13 – DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

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EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.

14 – ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

15 – COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

15 – COVER AND SEAL COATS (TYPE B)

Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A).

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment

Equipment Factor (EqF)

Distributor (Type A)

\$400,000 each

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Tanker Truck* (Type A) \$50,000 each

* A maximum of two ~~(2)~~ tanker trucks per distributor will be allowed.

16 – SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

17 – MISCELLANEOUS CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs), construction of foundations (light pole, light tower, etc.) and various undersealing projects ~~that which~~ allow the voids to be filled by gravity flow. Removal of concrete ~~that which~~ consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

18 – LANDSCAPING

Consists of planting trees, shrubs, vines and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding.

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EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

19 – SEEDING AND SODDING

Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation, seeding equipment and a tractor is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

21 – VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture.

21 – TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps.

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

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22 – FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

23 – GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

CALCULATION OF WORK RATING: Secondary formula.

24 – GROUTING

Consists of shotcrete construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

25 – PAINTING

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Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.

26 – SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers. Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

27 – ~~PAINT~~ PAVEMENT MARKINGS (PAINT) MARKING

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.

27 – ~~THERMOPLASTIC~~ PAVEMENT MARKINGS (THERMOPLASTIC) MARKING

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment ~~that which~~ is approved by the Bureau of Operations within the Division of Highways.

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CALCULATION OF WORK RATING: Secondary formula.

27 – EPOXY PAVEMENT MARKINGS (EPOXY) MARKING

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment ~~that which~~ is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (POLYUREA)

Consists of the installation of polyurea pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment that is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

30 – INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.

31 – PAVEMENT TEXTURING AND SURFACE REMOVAL

Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

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32 – COLD MILLING, PLANING AND ROTOMILLING

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

33 – ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

34 – DEMOLITION

Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

35 – FABRICATION

Consists of fabricating, delivering and storing structural steel.

EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula.

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36 – TUNNEL EXCAVATION

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

37 – EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

38 – RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of crossites and installation of steel rails.

EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

~~EXPRESSWAY CLEANING~~

~~Consists of sweeping expressways and arterial routes.~~

~~EQUIPMENT REQUIRED:~~ ~~Motorized street sweeping equipment.~~

~~CALCULATION OF WORK RATING:~~ ~~Secondary formula.~~

39 – MARINE CONSTRUCTION

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Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (riprap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

40 – HYDRAULIC DREDGING

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

41 – HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation that which scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

42 – COLD (IN-PLACE) RECYCLING

A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction

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equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- 3) Section Number: 20.1 Adopted Action:
Amendment
- 4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].
- 5) Effective Date of Amendment: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2006; 30 Ill. Reg. 697
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendment: Update references to the *Code of Federal Regulations* and add definition of "Milk ELISA" and expand upon the definition of "Premises identification number" to include a number assigned to a livestock production unit or any place where livestock can be located or co-mingled by the United States Department of Agriculture under the National Animal Identification System.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

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

PART 20
DEFINITIONS

Section
20.1 Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

SOURCE: Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 1522, effective January 12, 1996; amended at 23 Ill. Reg. 404, effective January 1, 1999; amended at 23 Ill. Reg. 8964, effective July 28, 1999; amended at 26 Ill. Reg. 14617, effective September 23, 2002; amended at 30 Ill. Reg. 10054, effective May 22, 2006.

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

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"Approved eartag" means an eartag that is tamper resistant, has been approved for use either by the U.S. Department of Agriculture or the Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postal code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side. Information concerning manufacturers of approved eartags may be obtained from the Department.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

"Approved identification" or "official identification" means an approved eartag, a tattoo conforming to the six-character alpha numeric National Tattoo System that provides a unique identification for each herd or lot of animals, or microchip.

"Approved laboratory" means one of the animal disease laboratories operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Auction market" means a licensed livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold.

"Brucellosis" means the disease wherein an animal is infected with *Brucella* micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, auction market, or packing plant of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, auction market, or packing plant of

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destination upon acceptance. This consignment shall be held by the stockyard, auction market, or packing plant for a period of not less than 6 months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines of the beef breeds 6-18 months of age that have not been tested for brucellosis prior to sale.

"Feeder swine" or "feeding swine" means swine under 4 months of age, weighing less than 180 pounds and not requiring testing as breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and complete mailing address of the consignor, the name and complete mailing address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The 2 copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance. No alteration of any type is allowed on a health certificate.

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"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 ([20052002](#))). Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/2], the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing center " means an approved livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold and that has been approved under 9 CFR 71.20 ([20052002](#)). Incorporation by reference does not include any later amendments or editions beyond the date specified.

"Milk ELISA" means the diagnostic test using milk to detect the presence of any disease, such as brucellosis, in a herd through an enzyme-linked immunosorbent assay.

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Premises identification number" means a unique number assigned by the

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Department or the United States Department of Agriculture to a livestock production unit that is epidemiologically distinct from other livestock production units. A premises identification number consists of IL followed by the assigned premises number, or a number assigned by USDA under the National Animal Identification System, to a livestock production unit or any place where livestock can be located or co-mingled. A premises identification number may be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for an animal.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, ~~such as Peoria Union Stockyards located at Peoria.~~

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

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

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRT)" means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

"Tuberculosis-Free Accredited Herd" means one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

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NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 30 Ill. Reg. 10054effective May 22, 2006)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Hatcheries, Poultry Flocks, and Produce Thereof
- 2) Code Citation: 8 Ill. Adm. Code 55
- 3) Section Numbers: Adopted Action:
55.10 Amendment
55.40 Amendment
55.45 Amendment
55.50 Amendment
55.90 Amendment
- 4) Statutory Authority: Poultry Inspection Act [510 ILCS 85]
- 5) Effective Date of Amendments: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2006; 30 Ill. Reg. 719
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations*.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF AGRICULTURE

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 55
HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF

Section	
55.5	Definitions
55.10	Shipments of Poultry or Hatching Eggs
55.20	Infected Flock
55.30	Classification of Flock
55.40	Breeding Poultry
55.45	Turkeys
55.50	Persons Who May Perform the Test
55.60	Inspection
55.70	Show and Exhibition Birds
55.80	Banding
55.90	Sanitation
55.100	Administrative Hearing

AUTHORITY: Implementing and authorized by the Poultry Inspection Act [510 ILCS 85].

SOURCE: Regulations Relating to Hatcheries, Poultry Flocks, and the Produce Thereof, filed January 17, 1972, effective January 27, 1972; amended at 3 Ill. Reg. 33, p. 343, effective August 17, 1979; codified at 5 Ill. Reg. 10446; amended at 8 Ill. Reg. 5929, effective April 23, 1984; amended at 9 Ill. Reg. 18423, effective November 19, 1985; amended at 16 Ill. Reg. 11766, effective July 8, 1992; amended at 20 Ill. Reg. 1537, effective January 12, 1996; amended at 23 Ill. Reg. 423, effective January 1, 1999; amended at 30 Ill. Reg. 10062, effective May 22, 2006.

Section 55.10 Shipments of Poultry or Hatching Eggs

- a) All shipments of poultry or hatching eggs entering or moving within Illinois shall:
- 1) be accompanied by a "Report of Sales of Hatching Eggs, Chicks and Poults" (VS Form 9-3); or
 - 2) be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry

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originated from a flock that has been tested for pullorum and typhoid diseases within one year and was free of reactors to these diseases.

- b) In addition to the above requirements, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. S. Enteritidis requirements under the National Poultry Improvement Plan (9 CFR 145, [2005+998](#)) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147, [2005+998](#)). Incorporation of federal rules does not include later amendments or editions.

(Source: Amended at 30 Ill. Reg. 10062, effective May 22, 2006)

Section 55.40 Breeding Poultry

- a) All breeding poultry (20 weeks of age or older) must be tested and comply with the National Poultry Improvement Plan (9 CFR 145 ([2005+998](#))) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147 ([2005+998](#))) for pullorum-typhoid. The Department participates in the National Poultry Improvement Plan as an Official State Agency cooperating through a Memorandum of Understanding. Incorporation of federal rules does not include later amendments or editions.
- b) The Department only requires compliance with the expressed requirements of the National Poultry Improvement Plan in order for a participant to be in compliance with the Plan, except as provided for in this Part.

(Source: Amended at 30 Ill. Reg. 10062, effective May 22, 2006)

Section 55.45 Turkeys

- a) All turkeys entering Illinois and not consigned to slaughter must originate from flocks or hatcheries that are officially classified as U. S. Mycoplasma Gallisepticum Clean in accordance with the provisions of the National Poultry Improvement Plan (9 CFR 145.43(c) ([2005+998](#))) or be negative to a test for Mycoplasma gallisepticum within 30 days prior to entry. Incorporation by reference shall not include later amendments or editions beyond the date specified.
- b) Hatching eggs entering Illinois shall originate from hatcheries or flocks that are officially classified as U. S. Mycoplasma Gallisepticum Clean.

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- c) Turkeys and hatching eggs entering Illinois shall be accompanied by a health certificate which shall indicate either that the turkeys are negative to a test for *Mycoplasma gallisepticum* or that they originated from U. S. *Mycoplasma Gallisepticum* Clean flocks or hatcheries.

(Source: Amended at 30 Ill. Reg. 10062, effective May 22, 2006)

Section 55.50 Persons Who May Perform the Test

Persons officially approved by the Department may perform the stained-antigen, rapid, whole-blood test for pullorum-typhoid. Approval shall be given by the Department after the applicant has orally described and physically demonstrated proper testing procedures (found at 9 CFR 147.3 (~~2005+998~~)) to Department inspectors, veterinarians or laboratory personnel and has correctly interpreted test results. Each individual authorized to perform the test in the State will be sent a card showing their authorization to perform the test.

(Source: Amended at 30 Ill. Reg. 10062, effective May 22, 2006)

Section 55.90 Sanitation

Participants in the National Poultry Improvement Plan shall comply with the sanitation requirements prescribed in Subpart C of 9 CFR 147 (~~2005+998~~), except that the Department accepts any fumigant that is registered by the United States Environmental Protection Agency and for which the manufacturer's label specifies the product is for egg sanitation or cleaning of poultry equipment.

(Source: Amended at 30 Ill. Reg. 10062, effective May 22, 2006)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
75.5	Amendment
75.10	Amendment
75.120	Amendment
75.180	Amendment
75.190	Amendment
75.200	Amendment
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) Effective Date of Amendments: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2006; 30 Ill. Reg. 724
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations* and Brucellosis Eradication Uniform Methods and Rules; amend Section 75.10 to strike the card test and replace it with other official tests approved by the United States Department of Agriculture. The Department is also striking the Cite test as an

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optional supplemental test whenever the card test is used. In Section 75.180, the Department is replacing dairy or breeding cattle or bison with "sexually intact" dairy or breeding cattle, and in Section 75.190, the Department is clarifying that a permit is required for all cattle except those consigned directly to slaughter. Also, in Section 75.190, the Department is striking either or both jaws from being officially identified by a hot iron brand and is just using either hip. Section 75.200 is changing the location of the "S" brand from the left hip to high on the tail head.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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

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

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

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TITLE 8: AGRICULTURE AND ANIMALS
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 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
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PART 75
 BOVINE BRUCELLOSIS

Section

75.5	Definitions
75.7	Incorporation by Reference
75.10	Official Classification of the Results of the Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50	Indemnity
75.60	Identification of Cattle or Bison
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds or Cattle or Bison Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle or Bison for Immediate Slaughter
75.160	Female Cattle – Beef Breeds – 18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or BeefBreeding Cattle or Bison
75.190	Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States
75.200	Slaughter Cattle and Bison from Class B or Class C States
75.210	Official CalfhooD Vaccination
75.220	Recognition of Brucellosis State Status
75.TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
75.TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

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

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

Section 75.5 Definitions

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

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

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture ([USDA](#)) (9 CFR 51.1, [20052004](#)).

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

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

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- a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, [October 1, 2003](#)~~February 1, 1998~~) and the [USDA United States Department of Agriculture](#) and/or 9 CFR 78.1 ([2005](#)~~2004~~).
- b) The ~~card (Buffered Brucella Antigen) test and~~ Buffered Acidified Plate Antigen (BAPA) test [or other official test approved by the USDA and Department](#) shall be the official tests used at licensed livestock auction markets in the State. ~~The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.~~
- c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; [October 1, 2003](#)~~February 1, 1998~~) and the [USDA United States Department of Agriculture](#) and/or 9 CFR 78.1 ([2005](#)~~1999~~).

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

Section 75.180 Dairy or [Beef](#) ~~Breeding~~ Cattle or Bison

- [a\)](#) All ~~sexually intact~~[dairy or breeding](#) cattle or bison transported or moved into the State of Illinois, unless said cattle or bison are consigned direct to and delivered by the transportation company within the confines of a public stockyards, livestock auction market or marketing center, shall be accompanied by an official certificate of health showing:
- [1a\)](#) All such cattle or bison over 6 months of age are negative to brucellosis blood test within 30 days prior to shipment, OR

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- 2b)** All cattle originated from a certified brucellosis-free herd, Class Free State or country, or bison from a certified brucellosis-free herd. State status is not recognized for bison. Certified herd number shall be given and the cattle or bison shall be identified by ear tag number, registration name and number, dam's registration number, or record association approved individual tattoo, OR
- 3e)** Cattle are official brucellosis calfhood vaccinates under 24 months of age for beef breeds or bison and 20 months of age for dairy breeds.
- b)** All unvaccinated dairy or **beefbreeding** heifers or bison over 6 months of age or bulls more than 18 months of age moving through an out-of-state auction market or marketing center must be accompanied by an official health certificate showing a negative test for brucellosis within 30 days prior to entry, regardless of state or herd status. Official brucellosis calfhood vaccinates do not need to be tested until they are 24 months of age for beef breeds and bison and 20 months of age for dairy breeds.

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

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

- a) In addition to other entry requirements, a prior permit must be obtained for **all dairy, feeding or breeding** cattle or bison, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the **USDA U.S. Department of Agriculture (October 1, 2003 February 1, 1998)**. Such prior permits shall be obtained by contacting the Bureau of Animal Health, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and description of the cattle along with the number of animals in the shipment is necessary for obtaining a permit.
- b) Breeding cattle or bison 12 months of age or over from such states shall be placed

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under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle or bison originating from certified brucellosis-free herds are exempt from this provision.

- c) All female cattle or bison born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on ~~either or both jaws or~~ either hip using the letter F of not less than three inches in height.
- d) Female cattle or bison, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on ~~either or both jaws or on~~ either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation.
- e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:
 - 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
 - 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official eartags. The eartag numbers shall be recorded on the Certificate.

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

Section 75.200 Slaughter Cattle and Bison from Class B or Class C States

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- a) Prior to movement for slaughter, all test-eligible cattle or bison of unknown status originating in Class B or Class C states in accordance with the Brucellosis Eradication Uniform Methods and Rules (~~October 1, 2003~~^{February 1, 1998}; as recommended and approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the ~~USDA United States Department of Agriculture~~) shall:
- 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
 - 2) Be subjected to an official test for brucellosis at the market or stockyards (first point testing), OR
 - 3) Be permanently identified with a hot iron "S" brand ~~head on the left hip~~^{high on the tail} and be accompanied to slaughter by USDA Form VS 1-27, OR
 - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
- b) For the purpose of this Section, "test-eligible" cattle or bison means all cattle 18 months of age or over, except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and bison and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle or bison.

(Source: Amended at 30 Ill. Reg. 10067, effective May 22, 2006)

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- 1) Heading of Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
80.5	Amendment
80.160	Amendment
80.170	Amendment
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]
- 5) Effective Date of Amendments: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2006; 30 Ill. Reg. 732
- 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? There were no agreements.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations* and Bovine Tuberculosis Eradication Uniform Methods and Rules. The language in Sections 80.160 and 80.170 is being clarified by adding "additional" negative tests.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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

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TITLE 8: AGRICULTURE AND ANIMALS
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PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section

80.5	Definitions/Incorporations by Reference
80.10	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20	When Indemnity Will Be Paid on Tests
80.30	Herds Quarantined Because of Suspected Tuberculosis Infection
80.40	Identification Tags Not To Be Removed
80.50	Infected Herd Depopulation (Repealed)
80.60	Cattle for Immediate Slaughter (Repealed)
80.70	Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.80	Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas or Canadian Provinces
80.90	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Breeding Cattle
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae
80.150	Goats
80.160	Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces
80.170	Bison
80.180	Illinois Exhibition Animals Returning from Non-Accredited Free States
80.190	Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809,

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effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16623, effective November 1, 2000; amended at 26 Ill. Reg. 71, effective January 1, 2002; amended at 28 Ill. Reg. 2077, effective February 1, 2004; amended at 30 Ill. Reg. 10075, effective May 22, 2006.

Section 80.5 Definitions/Incorporations by Reference

"Accredited Tuberculosis Free State" means any state recognized as an Accredited Tuberculosis Free State as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules.

"Bovine Tuberculosis Eradication Uniform Methods and Rules" ([January 1, 2005](#)~~January 22, 1999~~) refers to the document approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

(Source: Amended at 30 Ill. Reg. 10075, effective May 22, 2006)

Section 80.160 Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces

Cattle originating from Non-Accredited Free Areas or Canadian provinces that are not tuberculosis free must meet the following testing requirements prior to entry into Illinois:

- a) Cattle entering Illinois for breeding purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had two **additional** negative tests within 180 and 30 days prior to entry.
- b) Cattle entering Illinois for feeding or grazing purposes must originate from a herd where a complete negative herd test has been conducted within the past 12

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months, and the individual animals must have had an individual test within 30 days prior to entry.

- c) Cattle entering Illinois for exhibition must originate from a herd where a complete negative herd test has been conducted within the past year, and the individual animals must have had two additional negative tests within 180 and 30 days prior to entry.

(Source: Amended at 30 Ill. Reg. 10075, effective May 22, 2006)

Section 80.170 Bison

Bison entering Illinois for any reason, other than immediate slaughter and including exhibition, must:

- a) if originating from an Accredited Free State, be from an accredited tuberculosis-free herd, or the individual animal entering Illinois must have had an individual test within 30 days prior to entry; or
- b) if originating from a Non-Accredited Free State or Canadian province that is not tuberculosis free, originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animal must have had two additional negative tests within 180 and 30 days prior to entry.

(Source: Amended at 30 Ill. Reg. 10075, effective May 22, 2006)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.20	Amendment
110.90	Amendment
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) Effective Date of Amendments: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20 2006; 30 Ill. Reg. 769
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 110.90(e)(22), "C" (Centralia) has been replaced with "G" (Galesburg).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department's zip code is corrected in Section 110.20. RT-PCR testing with a \$30 fee at Galesburg is added in Section 110.90(e) under the heading of "Virology".
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Linda Rhodes

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

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

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

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PART 110
ANIMAL DISEASE LABORATORIES ACT

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

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

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606, effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at

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28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006.

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to the laboratory designated as performing the test. Addresses of the laboratories are as follows:

- a) Animal Disease Laboratory, 9732 Shattuc Road, Centralia, Illinois 62801-9284.
- b) Animal Disease Laboratory, 2100 South Lake Storey Road, P.O. Box 2100X, Galesburg, Illinois 61402-2100.
- c) State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois [62794-921462708-2819](tel:62794-921462708-2819).

(Source: Amended at 30 Ill. Reg. 10080, effective May 22, 2006)

Section 110.90 Microbiology Fees

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

- a) Bacteriology, Mycoplasma and Fungi
 - 1) Aerobic or anaerobic culture without sensitivity testing 12.00 C, G
 - 2) Antibiotic sensitivity (per isolate)..... 8.00 C, G
 - 3) Milk samples for mastitis evaluation per sample..... 3.00 C, G
 - Wisconsin mastitis test..... 2.00 C
 - 4) Leptospirosis culture per specimen..... 12.00 G
 - 5) Fluorescent Antibody Test (FA) 12.00 C, G
 - 6) Escherichia coli serotyping..... 3.00 C,
 - 7) Campylobacter (culture) 10.00 C, G
 - 8) Salmonella (enrichment media, per site or pool)..... 8.00 C, G
 - 9) Hemophilus (culture) 8.00 C
 - 10) Bordetella culture 8.00 C, G

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11)	Listeria (cold enrichment).....	8.00	C,	G
12)	Taylorella equigenitalis (CEM)	12.00	C,	G
13)	Brachyspira	10.00	C,	G
14)	Johne's Bacillus.....	10.00	C,	G
15)	Return culture for bacterin production per organism.....	4.00	C,	G
16)	Mycology Testing Culture	8.00	C,	G
17)	Microscopic examination (brightfield, darkfield, outside normal procedures)	3.00	C,	G
	Microscopic examination, acid-fast-stained smears	7.00	C,	G
18)	Mycoplasma Culture.....	10.00	C,	G
19)	Trichomonas transport media	4.00	C,	G
20)	PCR testing	15.00		G
21)	Clostridium diffcitate toxin ELISA (per sample or pool).....	22.00		G
b)	Food safety microbiology			
1)	AGID test, mammalian species ID	10.00	C	
2)	Culture, antibiotic residue growth inhibition.....	5.00	C	
3)	Culture, bacterial, aerobic, quantitative.....	10.00	C	
4)	Culture, bacterial, aerobic, quantitative, E. coli	10.00	C	
5)	Culture, bacterial, anaerobic quantitative	10.00	C	
6)	Culture, bacterial, Escherichia coli 0157.....	10.00	C	
7)	Enzyme-linked FA test, Escherichia coli.....	10.00	C	
8)	Enzyme-linked FA test, Listeria	10.00	C	
9)	Enzyme-linked FA test, Salmonella (HACCP)	10.00	C	
10)	Enzyme-linked FA test, staphylococcus enterotoxins	10.00	C	
c)	Water safety microbiology			

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1)	Water Potability Test – Municipal – Total & Fecal coliform....	8.00	C	
2)	Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....	10.00	C	
3)	Water Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID	20.00	C	
4)	Culture, aerobic quantitative, MMO-MUG, Enterococcus.....	4.00	C	
5)	Culture, aerobic, MMO-MUG, coliforms.....	4.00	C	
6)	Culture, aerobic, MMO-MUG, E. coli.....	4.00	C	
7)	Culture, aerobic, quantitative, total coliforms	4.00	C	
8)	Culture, bacterial, aerobic, quantitative	4.00	C	
9)	Culture, bacterial, aerobic, quantitative, E. coli.....	4.00	C	
10)	Culture, bacterial, denitrifying bacteria, quantitative	5.00	C	
11)	Culture, bacterial, iron-reducing bacteria, quantitative	5.00	C	
12)	Culture, bacterial, nitrifying bacteria, quantitative	5.00	C	
13)	Culture, bacterial, sulfate-reducing bacteria, quantitative	5.00	C	
14)	Culture, filter, pseudomonas	5.00	C	
15)	Culture, viable Helminth ova.....	5.00	C	
16)	Free chlorine, colorimetric.....	5.00	C	
17)	Microscopic exam.....	3.00	C	
18)	Nitrate, colorimetric.....	3.00	C	
d)	Bacterial serology			
1)	Actinobacillus pleuropneumonia (APP, serotypes 1,3,5,7).....	4.00	G	
2)	Brucella abortus (BAPA, card, std place).....	N/C	G, S	
3)	Brucella abortus (std tube).....	N/C	G	
4)	Brucella canis card test	6.00	G	
5)	Brucella abortus RAP	N/C	G	

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

6)	Brucella abortus rivanol.....	N/C	G
7)	Brucella abortus (BAPA, card, std plate: out-of-state).....	1.00	G, S
8)	Brucella abortus (species other than bovine, porcine and canine).....	1.00	G, S
9)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample).....	12.00	
10)	Mycoplasma hypopneumoniae	3.00	G
11)	Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately)	N/C	G
12)	Salmonella typhumurium.....	N/C	G
13)	Salmonella pullorum	N/C	G
14)	Salmonella tissue juice ELISA	5.00	
e)	Virology		
1)	Electron Microscopy – fecal.....	15.00	G
2)	Pseudorabies Serology (AutoLex or ELISA)	N/C	C, G
	Pseudorabies Serology Out-of-State.....	3.00	C, G
	Pseudorabies Serology end titer.....	3.00	C
	Pseudorabies Serology (request for screen at dilution of 1:2, SN).....	3.00	C, G
	Pseudorabies (Latex)	3.00	C, G
	Pseudorabies ELISA or AutoLex, Screen Out-of-State.....	1.50	C, G
	Pseudorabies Latex Agglutination Out-of-State	3.00	C, G
	Pseudorabies G1 ELISA Out-of State	1.75	C, G
3)	Fluorescent Antibody Test.....	12.00	C, G
4)	Rabies.....	12.00	C, G
5)	Virus Isolation (per virus)	15.00	C, G
6)	Unlisted Viral Serology (each disease) per sample	3.00	C, G
7)	Feline Leukemia Virus (FeLV) and Feline Immunodeficiency Virus (FIV)	15.00	C
8)	Feline Infectious Peritonitis (F.I.P.).....	8.00	C

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9)	Canine parvovirus (ELISA) fecal	5.00	C	
10)	Canine parvovirus	5.00	C	
11)	Canine distemper on serum.....	5.00	C	
12)	Rotavirus, ELISA (feces)	10.00	C	
13)	Semen testing (export).....	10.00	C	
14)	Swine enterovirus (8 serotypes).....	12.00	C	
15)	FelV Feline Leukemia Virus only	10.00	C	
16)	Feline Immunodeficiency Virus (FIV)	10.00	C	
17)	Encephalomyocarditis (per sample).....	3.00		G
18)	PRRS (1:20, IFA)	3.00	C, G	
	PRRS ELISA	4.00	C, G	
	PCR/PRRS	15.00		G
	PRRS IFA US strain	4.00		G
	PRRS IFA, Lelystad	4.00		G
19)	Bovine virus diarrhea, P1, immunohistochemistry (Ear notches) (per block of 5)	15.00	C, G	
20)	TGE/PRCV Differential ELISA (per specimen)	4.00	C, G	
21)	BVD P1 Serum Antigen Capture ELISA	5.00	C	
	<u>22) RT-PCR Testing</u>	<u>30.00</u>		<u>G</u>
f)	Chlamydia Isolation in Cell Culture	15.00	C, G	
g)	Miscellaneous serology			
1)	Toxoplasmosis	5.0	C	
2)	EIA-AGID.....	2.5	C,	S
	EIA-CELISA.....	10.0	C,	S
3)	Mare Immunological Pregnancy Test 35-60 days post-service	15.0	C	
4)	Aleutian Disease – Mink (immunoelectrophoresis)2		S
5)	Bluetongue	3.5	C	

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6)	Bovine leukemia virus (BLV-AGID)	3.5 C	
7)	Vesicular stomatitis.....	3.5 C	
8)	Complement Fixation Serology	3.5 C	
	Note: The Complement Fixation Serology tests include testing for anaplasmosis, Johne's and chlamydia.		
9)	Johne's ELISA.....	10.0 C	
10)	Caprine Arthritis Encephalitis (CAE) and OPP.....	3.5 C,	G
11)	Bovine leukemia virus ELISA	5.0 C	
12)	Serology Spin Charge (per specimen)	1.0 C,	G
13)	Anaplasmosis ELISA.....	10.0 C	
14)	Anaplasmosis CF	3.5 C	
15)	West Nile IgM Capture.....	15.0 C	
16)	Blastomycosis AGID	10.0 C	

(Source: Amended at 30 Ill. Reg. 10080, effective May 22, 2006)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Competitive Tournament Fishing on State Owned and/or Leased Water Areas
- 2) Code Citation: 17 Ill. Adm. Code 115
- 3) Section Number: 115.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and Sections 1-125 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-125 and 5-5]
- 5) Effective Date of Amendment: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 6, 2006; 30 Ill. Reg. 2581
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Due to increased fishing tournament pressure, which has resulted in overcrowding of boat launch and parking, Coffeen Lake was added to the list of regulated sites where a permit is required for each competitive fishing tournament.

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NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 115
COMPETITIVE TOURNAMENT FISHING ON STATE OWNED
AND/OR LEASED WATER AREAS

Section	
115.10	Purpose of Rulemaking
115.20	Definitions
115.30	Regulated Sites
115.40	Application and Reporting Requirements
115.50	Contest or Event Requirements

AUTHORITY: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and Sections 1-125 and 5-5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 5-5].

SOURCE: Adopted at 11 Ill. Reg. 7260, effective April 3, 1987; amended at 15 Ill. Reg. 9948, effective June 24, 1991; amended at 16 Ill. Reg. 4835, effective March 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 30 Ill. Reg. 10089, effective May 22, 2006.

Section 115.30 Regulated Sites

A permit is required for each competitive fishing tournament event at the following waters:

[Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County](#)

Millers Hollow Access Area, Mississippi Pallasades State Park, Carroll County

Newton Lake, Newton Lake Fish and Wildlife Area, Jasper County

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Spring Lake, Spring Lake North and Spring Lake South, Spring Lake State Fish and Wildlife Area, Tazewell County

(Source: Amended at 30 Ill. Reg. 10089, effective May 22, 2006)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3045.80	Amendment
3045.95	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) Effective Date of Amendments: May 22, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 3, 2006; 30 Ill. Reg. 2584
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 3045.95(a)(3) was modified to read as follows:

In cases of catastrophic illness or injury to the grantee or principals of the grantee (e.g., spouses, children and parents), the Director, with advice from the Board, may modify the repayment provisions of subsections (a)(1) and (2).
- 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 amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update language

DEPARTMENT OF NATURAL RESOURCES

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regarding retention of records and to add a provision for modifying the repayment provisions in the case of catastrophic illness or injury to the grantee and the principals of the grantee.

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

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

3045.10	Program Objective
3045.20	Program Eligibility Requirements
3045.30	Funding Assistance Formula
3045.40	General Procedures for Grant Applications and Awards
3045.50	Eligible Project Expenditures
3045.60	Project Evaluation Criteria/Priorities
3045.70	Review by Advisory Board
3045.80	Program Compliance Requirements
3045.90	Program Information
3045.95	Sale or Transfer of Grant-Funded Property
3045.100	Issuing Public Access Stickers

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15].

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. 10092, effective May 22, 2006.

Section 3045.80 Program Compliance Requirements

- a) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- b) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance

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with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.

- c) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
- 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- d) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment of the entire grant amount or by operation, by the recipient or a Department designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.
- \$1-\$50,000 – 5 years
- for every \$10,000 increment over \$50,000 – add one year
- e) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.

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- f) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this ~~Section~~ and be subject to corrective measures by the Department as deemed appropriate.
- g) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- h) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- i) The project sponsor must possess the resource capabilities to:
- 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.
- j) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled check(s) showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger

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than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.

- k) All financial records on approved projects must be maintained and retained in accordance with State laws, by the project sponsor for possible State audit ~~for a period of 5 years~~ after final reimbursement payment is made by the Department.
- l) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
- m) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
- n) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
- o) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor (applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
 - 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;
 - 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);

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- 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- p) Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].
- q) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
 - 2) The charging of user fees for general public use must be approved by the Department.
 - 3) Except as noted below, all OHV grant-assisted facilities must be open and available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.
 - A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
 - B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
 - 4) All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize

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the facility's intended public benefit.

- 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
- r) All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- s) The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- t) Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor (applicant).

(Source: Amended at 30 Ill. Reg. 10092, effective May 22, 2006)

Section 3045.95 Sale or Transfer of Grant-Funded Property

- a) Real Property
 - 1) If land purchased wholly by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or of the sale price, whichever is greater, must be paid back to the OHV grant fund;

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- B) in the 6th year after receipt of grant funds, 90% of the grant funding or 90% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- C) in the 7th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- D) in the 8th year after receipt of grant funds, 70% of the grant funding or 70% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- E) in the 9th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- F) in the 10th year after receipt of grant funds, 50% of the grant funding or 50% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- G) in the 11th year after receipt of grant funds, 40% of the grant funding or 40% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- H) in the 12th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- I) in the 13th year after receipt of grant funds, 20% of the grant funding or 20% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- J) in the 14th year after receipt of grant funds, 10% of the grant funding or 10% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
- K) in the 15th year or thereafter, no reimbursement to the OHV grant fund is required.

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- 2) If land purchased partially by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
- A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
 - E) in the 15th year or thereafter, no reimbursement to the grant fund is required.

3) [In cases of catastrophic illness or injury to the grantee or principals of the grantee \(e.g., spouses, children and parents\), the Director, with advice from the Board, may modify the repayment provisions of subsections \(a\)\(1\) and \(2\).](#)

b) Personal Property

- 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which shall not be unreasonably withheld. Disposing of such property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.
- 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10092, effective May 22, 2006)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1910.31	New Section
1910.50	Amended
1910.67	Amended
1910.91	New Section
1910.94	New Section
1910.96	New Section
1910.98	New Section
- 4) Statutory Authority: 35 ILCS 200/Art. 7 and Sections 16-180 through 16-195
- 5) Effective Date of Rulemaking: May 16, 2006.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposals Published in the Illinois Register: February 10, 2006; 30 Ill. Reg. 1816 and February 24, 2006; 30 Ill. Reg. 2466
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes made between the proposals and the final version of the rules included editing and formatting changes recommended by the Joint Committee on Administrative Rules. An amendment to Section 1910.50 (c)(3) was made to reflect a change in Illinois case law disallowing sales ratio studies on appeal in Cook County. Other changes were made at the recommendation of those parties who filed comments during the First Notice period: In Section 1910.91(b), the addition of statements by individuals familiar with recordkeeping will allow taxing districts to introduce evidence they might not obtain if the necessary affidavit were required. Also, 2 proposed rulemakings were combined to create this one adopted rulemaking. See # 9 above.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
1910.20	Amended	30 Ill. Reg. 5499; March 24, 2006
1910.30	Amended	30 Ill. Reg. 5499; March 24, 2006
1910.67	Amended	30 Ill. Reg. 7844; April 28, 2006
1910.88	New Section	30 Ill. Reg. 5499; March 24, 2006
1910.90	Amended	30 Ill. Reg. 7844; April 28, 2006
1910.99	New Section	30 Ill. Reg. 7844; April 28, 2006

- 15) Summary and Purpose of Rulemaking: This rulemaking amends existing sections and adds new sections to streamline and expedite the appeal process through procedural changes and mechanisms designed to assist the parties in preparing for hearing.
- 16) Information and questions regarding these adopted amendments shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

217/782-6076
james.chipman@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications-Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.90	Practice Rules
1910.91	Business Records
1910.92	Rules of Pleading, Practice and Evidence
1910.93	Request for Witnesses

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<u>1910.94</u>	<u>Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner</u>
1910.95	Separability (Renumbered)
<u>1910.96</u>	<u>Evidence Depositions</u>
<u>1910.98</u>	<u>Transcription of Hearings – Official Record</u>
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006.

Section 1910.31 Amendments

- a) After the Property Tax Appeal Board has transmitted an appeal to the board of review and the time period for intervention under Section 1910.60 of this Part has expired, a petition for appeal may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.
- b) The original filing of the petition, and not any subsequent amendment, shall determine whether:
 - 1) review of the Property Tax Appeal Board's final decision is afforded in the circuit court or the Appellate Court as provided in Section 16-195 of the Code; and
 - 2) the board of review shall notify taxing districts of the appeal as required by Section 16-180 of the Code and Section 1910.40 (f) of this Part.

(Source: Added at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.50 Determination of Appealed Assessment

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- a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)
- b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. *A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)
- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.
 - 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.
 - 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and

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- B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
- 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board ~~will~~ may consider ~~competent evidence admitted pursuant to this Part, if any, which is relevant to~~ the level of assessment applicable to the subject property under the ~~Illinois Constitution, the Illinois Property Tax Code, and the~~ Cook County Real Property Assessment Classification Ordinance, as amended.
- d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.
- f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)*
- g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)*
- h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review*

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or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)

- i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)*
- j) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.
- k) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Amended at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.67 Hearings

- a) The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with [this Part](#)~~these rules~~ to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is

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deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.

- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.
- f) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.
- g) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:
 - 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical information both orally and in writing;
 - 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
 - 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;

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- 6) possess an ability to conduct hearings and obtain and analyze necessary information;
- 7) possess a valid Illinois driver's license;
- 8) be of high integrity and good personal repute;
- 9) be familiar with this Part and the Property Tax Code;
- 10) be disinterested and impartial; and
- 11) have no financial or personal interest in the result of the hearing.

| h) Authority of the Board and designated Hearing Officers-

- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:
 - A) To conduct hearings and pre-hearing conferences;
 - B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
 - E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and

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- G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.
- i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.
 - j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.
 - k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:
 - 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
 - l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove

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the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.

- m) All testimony taken at the hearing shall be under oath or affirmation. The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.
- n) ~~In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his own expense. The original certified transcript of such hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible but no later than within 60 days after the hearing.~~

(Source: Amended at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.91 Business Records

- a) Business records shall be admissible. A business record is:
- 1) Relevant;
 - 2) A memorandum, report, record or data compilation;
 - 3) Made by a person with first-hand knowledge of the facts;
 - 4) Made at or near the time of the facts;
 - 5) Made as part of the regular practice of the business activity; and
 - 6) Kept in the course of the regularly conducted business activity.
- b) Any party may prove elements outlined in subsections (a)(3) through (a)(6) by the testimony of the custodian responsible for making or keeping those records or another qualified witness that is familiar with the manner in which records are maintained and the general procedures for maintaining such records in the ordinary course of business.

PROPERTY TAX APPEAL BOARD

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- c) Any party seeking introduction of a business document will be allowed to offer a mechanical reproduction or carbon copy of the original without any showing that the original is unavailable, upon representation of the party that the copy is a true and accurate copy of the original.

(Source: Added at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.94 Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner

- a) No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes.
- b) Any motion made to invoke this Section shall incorporate a statement detailing the consultation and failed reasonable attempts to resolve differences over issues involving inspection with the taxpayer or property owner.

(Source: Added at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.96 Evidence Depositions

- a) In any appeal before the Board in which a change in assessed valuation of \$100,000 or more is sought, and the parties are represented by attorneys, an evidence deposition may be ordered by the Board at anytime prior to hearing upon a showing that the person deposed will not be available to participate in the hearing because of exceptional circumstances, such as impending death, illness, imprisonment, relocation out of state, or other hardship, and the deposition of that person is necessary for the preservation of relevant testimony. If the person being deposed is not a party or an agent of a party to the appeal, the Board shall issue a subpoena ordering the appearance of the person, as provided for in Section 1910.68(a) of this Part, in conjunction with the Board's evidence deposition order.

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- b) A written request for an evidence deposition, and corresponding subpoena, if necessary, shall be served on the Board and all other parties to the appeal. Within 21 days after receipt of a deposition request, a party may file a response.
- c) A Board order for the taking of a deposition, and corresponding subpoena, if necessary, may provide that any designated books, papers, or documents, not privileged, be produced at the same time and place the deposition is scheduled.
- d) All parties to the appeal and the Board shall have the right to confront and cross-examine any witness whose deposition is taken. Any party may waive that right by serving written notice on all other parties, including the Board.
- e) Depositions shall be taken in the county of residence or of employment of the witness, as specified in Illinois Supreme Court Rule 203, unless the witness waives this right in writing.
- f) Failure to obey a Board order, and corresponding subpoena, if necessary, for deposition shall result in the same sanctions as provided in Section 1910.68(e) of this Part for failure to comply with a subpoena.

(Source: Added at 30 Ill. Reg. 10103, effective May 16, 2006)

Section 1910.98 Transcription of Hearings – Official Record

- a) All Property Tax Appeal Board hearings at which evidence is presented for the purpose of determining the correct assessment of property that is the subject of an appeal shall be recorded either by an electronic recording device or by a certified court reporter. *In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his or her own expense.* (Section 16-190 of the Code) In all cases where the contesting party is seeking a change of less than \$100,000 in assessed valuation, the Board shall record the hearing by an electronic recording device. A Board tape recording of any hearing will be retained through and including the time allotted for an appeal of a Board decision under the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Code.
- b) The original certified transcript of a hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible, but no later than 60 days after the hearing.

PROPERTY TAX APPEAL BOARD

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- c) In any administrative review action where no verbatim transcript is available, either through the failure of electronic recording devices or incomplete stenographic means, the plaintiff shall utilize the procedures for preparing a report of the proceedings contained in Illinois Supreme Court Rule 323(c).
- d) The Board's official record in any appeal shall include the following:
- 1) All petitions, pleadings, motions, correspondence and rulings;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Any offers of proof, objections and rulings on those offers;
 - 5) The transcript of any hearing held before the Board, any assigned Board Member, or any designated Hearing Officer; and
 - 6) The Board's decision.
- e) Recording of a hearing by any party to the appeal other than the officially designated court reporter or Board representative is permitted so long as the recording does not interfere with the conduct of the hearing and no party to the appeal objects. Except as provided in subsection (c), the electronic recording of the proceeding by the Board, or the certified transcript prepared by the court reporter provided by the contesting party pursuant to this Part, shall constitute the official record of the hearing.

(Source: Added at 30 Ill. Reg. 10103, effective May 16, 2006)

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
240.2020	Amendment
240.2040	Amendment
- 4) Statutory Authority: 20 ILCS 105/4.02 (as amended by Public Act 94-48, effective July 1, 2005) and 4.01(11)
- 5) Effective Date of Emergency Amendments: June 1, 2006
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: May 22, 2006
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the State budget implementation plan for fiscal year 2006 under Public Act 94-48. The new percentage split for administrative and employee wage and benefits costs by homemaker service providers was developed by the Department after a lengthy series of discussions with various industry and union representatives over the course of the last year. It reflects a legislative intent to provide an increased cost split for direct service workers providing homemaker assistance to seniors under the Community Care Program so said seniors can maintain their independence at home and avoid being prematurely and unnecessarily institutionalized.
- 10) A Complete Description of the Subjects and Issues Involved:

Section 240.2020:

Language is amended to reflect the new 77-23 percentage split for administrative and employee wage and benefits costs in the annual cost report ("Direct Service Worker Cost Certification") which must be submitted by homemaker service providers under the Community Care Program.

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Section 240.2040:

Language is amended to reflect the new 77-23 percentage split for administrative and employee wage and benefits costs incurred by homemaker service providers under the Community Care Program.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking does not create or enlarge any State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

George M. Sisk
General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

(217) 785-3346

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

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240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

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240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
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SUBPART C: RIGHTS AND RESPONSIBILITIES

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240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

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SUBPART D: APPEALS

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240.400	Appeals and Fair Hearings
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240.410	When the Appeal May Be Filed
240.415	What May Be Appealed
240.420	Group Appeals
240.425	Informal Review
240.430	Informal Review Findings
240.435	Withdrawing an Appeal
240.436	Cancelling an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
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240.470	Rescheduling the Appeal Hearing
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SUBPART E: APPLICATION

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SUBPART F: ELIGIBILITY

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240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
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240.640	Eligibility Decision
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240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
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240.760	Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

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240.800	Financial Factors
240.810	Assets
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240.875 Client Responsibility

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Program Services

240.910 Written Notification

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240.920 Reasons for Denial

240.925 Frequency of Redeterminations (Renumbered)

240.930 Suspension of Services

240.935 Discontinuance of Services to Clients

240.940 Penalty Payments

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240.950 Reasons for Termination

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240.1020 Interim Services

240.1040 Intense Service Provision

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SUBPART K: TRANSFERS

Section

240.1110 Individual Transfer Request – Vendor to Vendor – No Change in Service

240.1120 Individual Transfer Request – Vendor to Vendor – With Change in Service

240.1130 Individual Transfers – Case Coordination Unit to Case Coordination Unit

240.1140 Transfer of Pending Applications

240.1150 Interagency Transfers

240.1160 Temporary Transfers – Case Coordination Unit to Case Coordination Unit

240.1170 Caseload Transfer – Vendor to Vendor

240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

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Section
240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section
240.1310 Standard Contractual Requirements for Case Coordination Units and Providers
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330 General Vendor and CCU Responsibilities (Repealed)
240.1396 Payment for Services (Repealed)
240.1397 Purchases and Contracts (Repealed)
240.1398 Safeguarding Case Information (Repealed)
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section
240.1400 Community Care Program Case Management
240.1410 Case Coordination Unit Administrative Minimum Standards
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SUBPART O: PROVIDERS

Section
240.1510 Provider Administrative Minimum Standards
240.1520 Provider Responsibilities
240.1530 General Homemaker Staffing Requirements
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
(Repealed)
240.1550 Standard Requirements for Adult Day Service Providers
240.1555 General Adult Day Service Staffing Requirements
240.1560 Adult Day Service Staff
240.1565 Adult Day Service Satellite Sites
240.1570 Service Availability Expansion
240.1575 Adult Day Care Site Relocation
240.1580 Standards for Alternative Providers

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240.1590 Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

240.1600 Provider Contract
240.1605 Procuring Provider Services
240.1610 Procurement Cycle for Provider Services (Repealed)
240.1620 Issuance of Provider Proposal and Guidelines
240.1625 Content of Provider Proposal and Guidelines
240.1630 Criteria for Number of Provider Contracts Awarded
240.1635 Evaluation of Provider Proposals
240.1640 Determination and Notification of Provider Awards
240.1645 Objection to Procurement Action Determination
240.1650 Classification, Identification and Receipt of Provider Service Violations
240.1655 Method of Identification of Provider Service Violations (Repealed)
240.1660 Provider Performance Reviews
240.1661 Provider and Case Coordination Unit Right to Appeal
240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

240.1710 Procurement Cycle For Case Management Services
240.1720 Case Coordination Unit Performance Review

SUBPART R: ADVISORY COMMITTEE

Section

240.1800 Community Care Program Advisory Committee
240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: PROVIDER RATES

Section

240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation

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- 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section

- 240.2020 Financial Reporting of Homemaker Service

EMERGENCY

- 240.2030 Unallowable Costs for Homemaker Service

- 240.2040 Minimum Direct Service Worker Costs for Homemaker Service

EMERGENCY

- 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at

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16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days.

SUBPART T: FINANCIAL REPORTING

Section 240.2020 Financial Reporting of Homemaker Service**EMERGENCY**

- a) Provider agencies will be required to submit a cost report, the Direct Service Worker Cost Certification, as specified below. The report must be based upon actual, documented expenditures.
 - 1) The report must be submitted annually, within 6 months of the end of the reporting period, and may be prepared as a part of the provider's annual audit.
 - 2) The report may be on either a calendar year basis or the provider's fiscal year (once a provider has elected to base the reports on a calendar or fiscal year, this election can be changed only upon written approval of the

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Department).

- b) The cost report must demonstrate that the provider has expended a minimum of ~~77%~~^{73%} of the total revenues due from the Department, to include the client incurred expense, for Direct Service worker costs as enumerated in Section 240.2050.
- c) The cost report shall identify the provider's expenditures for Direct Service worker costs of Program Support costs, and Administrative costs as enumerated in Section 240.2050.
- d) The accuracy of the report must be attested to by an authorized representative of the provider.
- e) The Department reserves the right to require the provider to engage an independent certified public accounting firm to verify the information and data submitted by the provider if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the provider's expense.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days)

Section 240.2040 Minimum Direct Service Worker Costs for Homemaker Service**EMERGENCY**

- a) Providers are required to expend a minimum of ~~77%~~^{73%} of the total revenues due from the Department, to include the client incurred expense for Direct Service Worker Costs, as enumerated in Section 240.2050 during a reporting year.
 - 1) This percentage is to be adhered to on a statewide basis.
 - 2) The remaining ~~23%~~^{27%} of the total revenues may be spent by the provider agencies at their discretion on Administrative or Program Support costs, also delineated in Section 240.2050.
- b) Failure of the provider to meet the requirements in subsection (a) above may result in the following:
 - 1) The provider will be required to submit and observe a Department-

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approved corrective action plan which shall include provider payments to current direct service workers in an amount which will, in total, bring the provider into compliance with the requirements of subsection (a) above.

- 2) Failure by the provider to submit and/or observe a corrective action plan may result in the following Department sanctions:
 - A) closure of intake (all or some contracts) for a period of time provided by written notice to the provider; or
 - B) termination (all or some contracts).

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Number: 118.500 Emergency Action: Amendment
- 4) Statutory Authority: The Covering All Kids Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 17, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: May 17, 2006
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is being filed pursuant to the State's budget implementation plan for fiscal year 2007 and the Covering All Kids Health Insurance Program Act. Effective July 1, 2006, provisions under the Act will expand medical coverage eligibility for all children under 19 years of age whose family income is lower than 200 percent of poverty including certain non-citizen children who may be eligible for medical services. All Kids will ensure that all Illinois children have access to affordable health insurance. Immediate implementation of this emergency amendment is necessary to allow medical coverage for certain non-citizen children and thereby protect their health, safety and welfare and to ensure parity in coverage for children in families with the same income.
- 10) Complete Description of the Subjects and Issues Involved: This emergency amendment responds to the Covering All Kids Health Insurance Program Act under which all children in Illinois who lack medical insurance will be covered by affordable health insurance and prescription drug coverage. This new coverage will allow many of the approximately 250,000 children who need health care coverage, including certain non-citizen children who may be eligible for certain medical services to have access to it. These changes are necessary to ensure parity between children in families with the same income.

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- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217) 557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF ~~HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 118

SPECIAL ELIGIBILITY GROUPS

SUBPART A: DISABLED ADULT CHILDREN

Section
118.100 Disabled Adult Children

SUBPART B: PERSONS WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section
118.150 Continuation of Health Insurance Coverage
118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC)

SUBPART C: WIDOWS AND WIDOWERS

Section
118.300 Widows and Widowers

SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

Section
118.400 Incorporation by Reference

SUBPART E: CERTAIN NON-CITIZEN CHILDREN

Section
118.500 Medical Services for Certain Non-Citizen Children

EMERGENCY

AUTHORITY: Implementing Articles III, IV, VI and Section 5-18 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, 5-18 and 12-13].

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SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990; emergency amendment at 15 Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 11607, effective July 15, 1992; emergency amendment at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19956, effective November 12, 1993; amended at 19 Ill. Reg. 7959, effective June 5, 1995; amended by emergency rulemaking at 22 Ill. Reg. 15724, effective August 12, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 562, effective December 24, 1998; emergency amendment at 30 Ill. Reg. 10129, effective May 17, 2006, for a maximum of 150 days.

SUBPART E: CERTAIN NON-CITIZEN CHILDREN

Section 118.500 Medical Services for Certain Non-Citizen Children**EMERGENCY**

- a) Certain non-citizen children ~~under 19 years of age, as defined at 89 Ill. Adm. Code 120.310(b) and 89 Ill. Adm. Code 125.200(e), under 19 years of age, who would be eligible for medical services under Article V of the Public Aid Code or the Children's Health Insurance Program (89 Ill. Adm. Code 125), except that they may not receive such services because of the application of 89 Ill. Adm. Code 120.310(b)(2) or 89 Ill. Adm. Code 125.205(a)(4) or are permanently residing in the United States under color of law (PRUCOL), may be eligible for certain medical services if appropriation authority exists in any fiscal year. Such non-citizen children include:~~
- 1) Children defined at 89 Ill. Adm. Code 120.310(b) or 89 Ill. Adm. Code 125.200(e) who are excluded from receiving medical services under Article V of the Public Aid Code because of the application of 89 Ill. Adm. Code 120.310(b)(2) or health care benefits or rebates under the Children's Health Insurance Program (89 Ill. Adm. Code 125) because of the application of 89 Ill. Adm. Code 125.205(a)(4);
 - 2) Children who are permanently residing in the United States under color of law (PRUCOL); and
 - 3) Children who do not meet requirements as defined at 89 Ill. Adm. Code 120.310(b) and 89 Ill. Adm. Code 125.200(e).

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- 1) ~~Such non-citizen children who would otherwise be eligible for Medical Assistance may receive coverage for those medical services available under Article V, including those services under Article V administered by other agencies. All other requirements set forth under Article V must be met.~~
- 2) ~~Such non-citizen children who would otherwise be eligible under 89 Ill. Adm. Code 125 may receive coverage for those medical services available under 89 Ill. Adm. Code 125. All other requirements set forth under 89 Ill. Adm. Code 125 must be met.~~
- b) Such non-citizen children who would otherwise be eligible for Medical Assistance may receive coverage for those medical services available under Article V, including those services under Article V administered by other agencies. All other requirements set forth under Article V must be met.
- c) Such non-citizen children who would otherwise be eligible under 89 Ill. Adm. Code 125 may receive coverage for those medical services available under 89 Ill. Adm. Code 125. All other requirements described at 89 Ill. Adm. Code 125 must be met.
- d)b) The provisions of 89 Ill. Adm. Code 125, Subpart B, including the handling of appeals and the conduct of hearings pursuant to the provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern any appeals under this Subpart.
- e)e) There is no entitlement to medical services under this Subpart E and such services are available only to the extent that payments under this Subpart do not exceed the amounts appropriated for the purpose of this Subpart. The Department may cease enrollment, change standards of eligibility, or reduce services for non-citizen children if such appropriated funds are needed to provide services to children eligible under 89 Ill. Adm. Code 125 or if such action is deemed necessary to assure that payments do not exceed appropriation authority.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 10129, effective May 17, 2006, for a maximum of 150 days)

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- 1) Heading of the Part: Covering All Kids Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 123
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
123.100	New Section
123.110	New Section
123.200	New Section
123.210	New Section
123.220	New Section
123.230	New Section
123.240	New Section
123.250	New Section
123.260	New Section
123.270	New Section
123.300	New Section
123.310	New Section
123.320	New Section
123.330	New Section
123.340	New Section
123.350	New Section
- 4) Statutory Authority: The Covering All Kids Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) Effective Date: May 17, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: May 17, 2006
- 8) A copy of the emergency rules, 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: These emergency rules are being filed pursuant to the State's budget implementation plan for fiscal year 2007 under the Covering All Kids Health Insurance Program Act. This new Program, effective July 1, 2006 will expand medical coverage eligibility for children under 19 years of age who are without health insurance coverage. All Kids will enable parents to buy affordable health insurance and

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prescription drug coverage for their children. Immediate implementation of this health insurance coverage is necessary to allow medical coverage for the approximately 250,000 children in Illinois who lack health care insurance. Section 65 of Public Act 94-693 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2007.

- 10) Complete description of the subjects and issues involved: These emergency rules respond to the Covering All Kids Health Insurance Program Act under which children in Illinois who lack medical insurance will be covered by affordable health insurance and prescription drug coverage. This new coverage will allow many of the approximately 250,000 uninsured children in Illinois to have access to All Kids health insurance. Parents will pay affordable co-payments and premiums scaled to their income. Illinois' All Kids Program will make Illinois the first and only state in the nation to make sure every child has access to comprehensive and affordable health care coverage. The Program is expected to cost approximately \$45 million during the first year of operation. This includes a one-time cost of establishing a 30 day payment cycle for physicians serving children.
- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

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NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 123

COVERING ALL KIDS HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

123.100 General Description

EMERGENCY

123.110 Definitions

EMERGENCY

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

123.200 Eligibility

EMERGENCY

123.210 Eligibility Exclusions and Terminations

EMERGENCY

123.220 Application Process

EMERGENCY

123.230 Determination of Monthly Countable Income

EMERGENCY

123.240 Eligibility Determination and Enrollment Process

EMERGENCY

123.250 Appeals

EMERGENCY

123.260 Annual Renewals

EMERGENCY

123.270 Adding Children to the Program and Changes in Participation

EMERGENCY

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section

123.300 Covered Services

EMERGENCY

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123.310 Service Exclusions
EMERGENCY
123.320 Copayments and Cost Sharing
EMERGENCY
123.330 Premium Requirements
EMERGENCY
125.340 Non-payment of Premium
EMERGENCY
125.350 Provider Reimbursement
EMERGENCY

AUTHORITY: The Covering All Kids Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Added by emergency rulemaking at 30 Ill. Reg. 10134, effective May 17, 2006, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 123.100 General Description
EMERGENCY

This Part implements the Covering All Kids Health Insurance Program Act [215 ILCS 170] that authorizes the Department to administer an insurance program to offer all uninsured children in Illinois access to health insurance. The Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits.

Section 123.110 Definitions
EMERGENCY

For the purpose of this Part, the following terms shall be defined as follows:

"Act" means the Covering All Kids Health Insurance Program Act [215 ILCS 170].

"Department" means the Department of Healthcare and Family Services and any successor agencies.

"Family" means the child applying for the Program and the following individuals who live with the child:

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The child's parents

The spouse of the child's parent

Children under 19 years of age of the parents or the parent's spouse

The spouse of the child

The children of the child

If any of the above is pregnant, the unborn children.

"Federal Poverty Level" means the federal poverty income guidelines as established by the federal Department of Health and Human Services and published in the Federal Register.

"Health Insurance" means any health insurance coverage as defined in 215 ILCS 105/2.

"Medical Assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Practitioner" means a physician (including a hospital billing a physician office visit), osteopath, podiatrist, optometrist, chiropractor, nurse practitioner, Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic.

"Program" means the program created under the Covering All Kids Health Insurance Program Act and this Part.

"Rebate" means the payment made by the Department under 89 Ill. Adm. Code 125.

"Resident" means resident as defined in 215 ILCS 170/10.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

**Section 123.200 Eligibility
EMERGENCY**

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A child may be eligible under the Program provided that all of the following eligibility criteria are met:

- a) A child is not eligible for Medical Assistance including 89 Ill. Adm. Code 118.500 and 89 Ill. Adm. Code 120 or health benefits or rebates under 89 Ill. Adm. Code 125;
- b) A child is under 19 years of age;
- c) A child is a Resident of the State of Illinois; and
- d) The child meets one of the following:
 - 1) Upon initial determination of eligibility:
 - A) If the application is received during calendar year 2006, the child has been without Health Insurance at least since January 1, 2006, or, if application is made after December 31, 2006, the child has been without health insurance for at least 12 months prior to the date of application;
 - B) The child lost employer-sponsored Health Insurance when the child's parent's job ended;
 - C) The child has no Health Insurance and is less than one year old in the month of application for All Kids;
 - D) The child has exhausted the life-time benefit limit of his or her Health Insurance;
 - E) The child's Health Insurance is purchased under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA);
 - F) The child was disenrolled for Medical Assistance under 89 Ill. Adm. Code 118.500 or 89 Ill. Adm. Code 120 or health benefits or Rebates under 89 Ill. Adm. Code 125 within one year of applying under this Part; or

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- G) The child has health insurance provided by the child's noncustodial parent and the child's custodian is unable to access such health insurance benefits for the child.
- 2) Upon redetermination of eligibility:
- A) The child was initially enrolled under subsection (d)(1)(A) or (F) of this Section; or
 - B) Affordable health insurance is not available to the child. For the purpose of this Section, affordable health insurance for the child does not exceed the amounts set forth below.
 - i) For a child who would be eligible for All Kids Premiums Levels 2 or 3, the cost of the monthly premium for coverage of all children seeking coverage under this Part does not exceed three percent of the Family's monthly countable income as determined under Section 123.230.
 - ii) For a child who would be eligible for All Kids Premium Level 4, the cost of the monthly premiums for coverage of all children seeking coverage under this Part does not exceed four percent of the Family's monthly countable income as determined under Section 123.230.
 - iii) For a child who would be eligible for All Kids Premium Levels 5-8, the cost of the monthly premium for coverage of the child does not exceed five percent of the Family's monthly countable income as determined under Section 123.230.

**Section 123.210 Eligibility Exclusions and Terminations
EMERGENCY**

- a) An individual shall not be determined eligible for coverage under the Program if:
 - 1) The individual is an inmate of a public institution.
 - 2) The individual is a patient in an institution for mental diseases.

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- b) Termination of an individual's coverage under the Program shall be initiated upon the occurrence of any of the following events:
- 1) A child becomes ineligible due to:
 - A) Losing his or her Illinois residency.
 - B) Attaining 19 years of age.
 - C) Becoming enrolled in Medical Assistance under 89 Ill. Adm. Code 118 or 120 or for health care benefits or rebates under 89 Ill. Adm. Code 125.
 - D) Meeting the provisions of subsection (a)(1) of this Section.
 - E) The required premiums as specified in Section 123.330, are not paid.
 - F) The Family fails to report to the Department changes in information that impacts upon the child's eligibility for the Program.
 - G) The Family makes a request to the Department to terminate the child's coverage.
 - H) The Department determines that the child is no longer eligible based on any other applicable State or federal law or regulation.
 - I) The Department determines that an applicant failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the child's eligibility determination.
 - J) The Department determines that the child's eligibility was incorrectly determined.
- c) Following termination of a child's coverage under the Program, the following action is required before the child can be re-enrolled:

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- 1) A new application must be completed and the child must be determined otherwise eligible;
 - 2) There must be full payment of premiums due under this Part or 89 Ill. Adm. Code 125, for periods in which a premium was owed and not paid for the child;
 - 3) Any overpayment of Rebates paid on behalf of the child under 89 Ill. Adm. Code 125 must be repaid to the Department. A Rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future Rebate payments;
 - 4) If the termination was the result of non-payment of premiums, the individual must be out of the Program for three months before re-enrollment; and
 - 5) The first month's premium must be paid if there was an unpaid premium on the date the child's previous case was canceled.
- d) A certificate of prior creditable coverage will be issued when an individual's coverage is terminated under the All Kids/FamilyCare Health Plan.

**Section 123.220 Application Process
EMERGENCY**

- a) Families will be able to apply for the Program using any of the following methods:
- 1) Submit the Department's application to an address specified by the Department.
 - 2) Apply at a Department of Human Services (DHS) local office.
 - 3) Apply through an All Kids Application Agent that has an agreement in place with the Department.
 - 4) Apply online.
 - 5) Additional methods that the Department establishes.

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- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10 including provisions regarding who may apply on behalf of a child.
- c) Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application.

**Section 123.230 Determination of Monthly Countable Income
EMERGENCY**

Monthly countable income for applications processed for the Program is determined by taking the total gross monthly income of the Family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.

**Section 123.240 Eligibility Determination and Enrollment Process
EMERGENCY**

- a) If the monthly countable income is above 200 percent of the Federal Poverty Level and at or below 300 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 2.
- b) If the monthly countable income is above 300 percent of the Federal Poverty Level and at or below 400 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 3.
- c) If the monthly countable income is above 400 percent of the Federal Poverty Level and at or below 500 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 4.
- d) If the monthly countable income is above 500 percent of the Federal Poverty Level and at or below 600 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 5.
- e) If the monthly countable income is above 600 percent of the Federal Poverty Level and at or below 700 percent of the Federal Poverty Level for the number of

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individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 6.

- f) If the monthly countable income is above 700 percent of the Federal Poverty Level and at or below 800 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 7.
- g) If the monthly countable income is above 800 percent of the Federal Poverty Level for the number of individuals in the Family and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 8.
- h) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.
- i) Eligibility determinations for the Program made by the fifteenth day of the month will be effective the first day of the following month. Eligibility determinations for the Program made after the fifteenth day of the month will be effective no later than the first day of the second month following that determination.
- j) The duration of eligibility for the Program for children will be 12 months unless one of the events described in Section 123.210(a)(1) or (b)(1) occurs. The 12 months of eligibility will commence when the first child in a Family is covered under the Program. Children added to a family case after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.
- k) Children for whom application to the Program is made before the beginning of the fourth month following the month of the child's birth may obtain backdated coverage for a period beginning with the child's day of birth. This coverage shall be subject to the Family paying the premium(s) for the month(s) of backdated coverage requested.

Section 123.250 Appeals
EMERGENCY

- a) Any person who applies for or receives benefits under the Program shall have the right to appeal any of the following actions:
 - 1) Refusal to accept an application.

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- 2) Denial of an application or cancellation at the annual renewal including denial based on failure to meet one or more of the eligibility requirements specified in this Part. If the denial or cancellation is not upheld on appeal, coverage under the Program shall be retroactive to the date the coverage would have commenced had the application or annual determination been approved. However, it will be at the Family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date the coverage would have commenced had the application been approved. All premium and copayment requirements shall apply to the retroactive period.
 - 3) Termination of coverage based on failure to continue to meet one or more of the eligibility requirements specified in this Part. If the termination is not upheld on appeal and benefits were not continued during the appeal, coverage under the Program shall be reinstated retroactive to the termination date. However, it will be at the Family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date of termination. All premium and co-payment requirements shall apply to any retroactive period.
 - 4) Determination of the amount of the premium, or copayments required. Coverage and any premium or copayment requirements, as determined by the Department, shall remain in force during the appeal process.
- b) In addition to the actions that are appealable under subsection (a) of this Section, individuals shall have the right to appeal any of the following actions:
- 1) Termination of coverage due to non-payment of the required premium.
 - 2) Denial of payment for a medical service or item that requires prior approval.
 - 3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.
- c) Individuals may initiate the appeal process by:

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- 1) Filing a written, signed request for a hearing directed to the Department's Assistance Hearings Section;
- 2) Calling a toll free telephone number designated by the Department.
- d) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.
- e) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.
- f) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.
- g) If an appeal is initiated within ten calendar days after the notice of intended Department action and the individual specifically requests that the benefits be continued, benefits shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process. All copayment obligations including premiums must be met during the period.
- h) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern the handling of appeals and the conduct of hearings under the Program.
- i) An individual can, prior to a decision being rendered on the appeal, reapply for the Program.

**Section 123.260 Annual Renewals
EMERGENCY**

- a) Eligibility shall be reviewed annually.
- b) Prior to the 12-month eligibility period ending, and in sufficient time for the Family to respond to the Department's request for information, the Department or its designee will send an annual renewal notice to the Family.
- c) Annual renewals shall be subject to all eligibility requirements set forth in Sections 123.200(a), (b), (c) and (d)(2) and 123.210(a)(1).

Section 123.270 Adding Children to the Program and Changes in Participation

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EMERGENCY

- a) Families may add eligible children to the Program during the 12-month eligibility period. Coverage for newborns added to a case and for whom backdated coverage is approved as permitted under Section 123.240(k) may begin with the child's date of birth. Coverage for all other children added to a case shall be prospective and for signed requests received by the fifteenth day of the month shall be effective on the first day of the month following receipt of the signed request. Signed requests to add a child received after the fifteenth day of a month will be effective no later than the first day of the second month following receipt of the signed request. Eligibility shall continue for the remainder of the 12-month eligibility period that began with coverage of the first child in the family. Such addition of a child shall not result in a review of the Family's financial eligibility for the program.
- b) Premium amounts will be adjusted to reflect adding or removing a child from the Program subject to the limitations set forth in Section 123.330(a).

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section 123.300 Covered Services**EMERGENCY**

Covered health care services shall be the same as covered services for children described at 89 Ill. Adm. Code 125.300(a) except as provided in Section 123.310.

Section 123.310 Service Exclusions**EMERGENCY**

The following health care services shall not be covered under this Part.

- a) Non-emergency medical transportation.
- b) Services provided only through a waiver approved under Section 1915(c) of the Social Security Act.
- c) Over-the-counter drugs.

Section 123.320 Copayments and Cost Sharing**EMERGENCY**

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- a) Copayments or cost sharing may be charged for services provided to a child by a health care provider as described in subsection (b), except for practitioner visits scheduled for well-baby care, well-child care, age appropriate immunizations, preventative dental visits or family planning services.
- b) Copayment and cost sharing requirements are as follows:
 - 1) Practitioner office visit:
 - A) All Kids Premium Level 2 copayment: \$10 per visit.
 - B) All Kids Premium Level 3 copayment: \$15 per visit.
 - C) All Kids Premium Level 4 copayment: \$20 per visit.
 - D) All Kids Premium Levels 5-8 copayment: \$25 per visit.
 - 2) Dental visits:
 - A) All Kids Premium Level 2 copayment: \$10 per visit.
 - B) All Kids Premium Level 3 copayment: \$15 per visit.
 - C) All Kids Premium Level 4 copayment: \$20 per visit.
 - D) All Kids Premium Levels 5-8 copayment: \$25 per visit.
 - 3) Inpatient hospitalization:
 - A) All Kids Premium Level 2 cost sharing: \$100 per admission.
 - B) All Kids Premium Level 3 cost sharing: \$150 per admission.
 - C) All Kids Premium Level 4 cost sharing: \$200 per admission.
 - D) All Kids Premium Level 5-7 cost sharing: 20 percent of Department's rate.

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- E) All Kids Premium Level 8 cost sharing: 25 percent of Department's rate.
- 4) Hospital or Ambulatory Surgical Treatment Center outpatient encounter with a payable service on the Ambulatory Procedure List:
- A) All Kids Premium Level 2 cost sharing: 5 percent of the Department's rate.
 - B) All Kids Premium Level 3 cost sharing: 10 percent of the Department's rate.
 - C) All Kids Premium Level 4 cost sharing: 15 percent of the Department's rate.
 - D) All Kids Premium Levels 5-7 cost sharing: 20 percent of the Department's rate.
 - E) All Kids Premium Level 8 cost sharing: 25 percent of the Department's rate.
- 5) Hospital Emergency Visit
- A) All Kids Premium Level 2 copayment: \$30 per visit.
 - B) All Kids Premium Level 3 copayment: \$50 per visit.
 - C) All Kids Premium Level 4 copayment: \$75 per visit.
 - D) All Kids Premium Level 5-8 copayment: \$100 per visit.
- 6) Prescription drugs:
- A) All Kids Premium Level 2 copayment: \$3 for a 1 to 30-day supply of generic drugs or \$7 for a 1 to 30 day supply of brand name drugs.
 - B) All Kids Premium Level 3 copayment: \$6 for a 1 to 30-day supply of generic drugs or \$14 for a 1 to 30 day supply of brand name drugs.

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- C) All Kids Premium Level 4 copayment: \$9 for a 1 to 30-day supply of generic drugs or \$21 for a 1 to 30 day supply of brand name drugs.
 - D) All Kids Premium Levels 5-8 copayment: \$12 for a 1 to 30-day supply of generic drugs or \$28 for a 1 to 30 day supply of brand name drugs.
- c) The out-of-pocket cost sharing expense a child shall incur for services under subsections (b)(3), (4) and (5) of this Section during the plan year July 1 to June 30 shall be limited as follows:
- 1) All Kids Premium Level 2 – \$500 per child.
 - 2) All Kids Premium Level 3 – \$750 per child.
 - 3) All Kids Premium Level 4 – \$1,000 per child.
 - 4) All Kids Premium Levels 5-7 – \$5,000 per child.
 - 5) All Kids Premium Level 8 – no maximum.
- d) Providers will be responsible for collecting copayments under the All Kids Health Insurance Plan.
- e) Providers may elect not to charge copayments. If copayments are charged, the copayment may not exceed the amounts established in subsection (b).
- f) The Department will not require providers to deliver services when copayments properly charged under the All Kids Premium Health Plans are not paid.

**Section 123.330 Premium Requirements
EMERGENCY**

- a) Families with individuals enrolled in All Kids Premiums 2-8 must pay monthly premiums as follows:
- 1) All Kids Premium Level 2: \$40 per month per child to a maximum of \$80 per month for two or more children.

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- 2) All Kids Premium Level 3: \$70 per month per child to a maximum of \$140 per month for two or more children.
 - 3) All Kids Premium Level 4: \$100 per month per child to a maximum of \$200 per month for two or more children.
 - 4) All Kids Premium Level 5: \$150 per month per child.
 - 5) All Kids Premium Level 6: \$200 per month per child.
 - 6) All Kids Premium Level 7: \$250 per month per child.
 - 7) All Kids Premium Level 8: \$300 per month per child.
- b) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
 - c) The premium due date will be the last day of the month preceding the month of coverage.
 - d) The premium will not increase during the eligibility period, unless the Family adds children to the coverage or there is a regulatory change in cost sharing.
 - e) The Family may at any time request a downward modification of the premium for any reason including a change of income, removal of a child from coverage or a change in family size.

**Section 123.340 Non-payment of Premium
EMERGENCY**

- a) Children enrolled in All Kids Premium Levels 2-8 will have a grace period through the end of the month of coverage to pay the premium.
- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) Collection action will be initiated by the Department to collect unpaid premiums.

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**Section 123.350 Provider Reimbursement
EMERGENCY**

- a) Provider participation under this Part shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code.
- b) Provider participation under this Part shall be voluntary.
- c) Providers under this Part shall be reimbursed in accordance with the established rates of the Department or other appropriate State agency minus copayments or cost sharing as specified in Section 123.320(b)(1), (3), (4), (5) and (6), regardless of whether the patient share is collected. Copayments or cost sharing specified in Section 123.320(b)(3), (4) and (5) will not be deducted once the child has reached the out-of-pocket cost sharing limit specified in Section 123.320(c).
- d) Providers under this Part shall be prohibited from billing children covered under the All Kids Premium Levels 2-8 any difference between the charge amount and the amount paid by the Department other than the copayment and cost sharing amounts specified in Section 123.320.
- e) Providers shall be responsible for refunding to the Family copayments and cost sharing collected in excess of the amounts permitted by this Part.

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.410	Amendment
310.Appendix A Table J	Amendment
310.Appendix A Table W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.410, 310.Appendix A Table J and 310.Appendix Table W to reflect three Memoranda of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed April 20, 2006. The first Memorandum of Understanding effective December 7, 2005 includes the Check Issuance Machine Supervisor title in the bargaining unit RC-014 and assigns the pay grade RC-014-11. The second Memorandum of Understanding effective January 19, 2006 includes the Liability Claims Adjuster II title in the bargaining unit RC-062 and assigns the pay grade RC-062-18. The third Memorandum of Understanding effective January 25, 2006 includes the Reproduction Service Supervisor I title in the bargaining unit RC-014 and assigns the pay grade RC-014-13.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: May 18, 2006
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.410 Jurisdiction is amended to remove the Liability Claims Adjuster II and Reproduction Service Supervisor I titles from the Merit Compensation System.

Section 310.Appendix A Table J RC-014 (Clerical Employees, AFSCME) is amended to add to the title table the Check Issuance Machine Supervisor title, its title code 06925, its bargaining unit RC-014, and its pay grade 11, and the Reproduction Service Supervisor I title, its title code 38201, its bargaining unit RC-014, and its pay grade 13.

Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to add to the title table the Liability Claims Adjuster II title, its title code 23372, its bargaining unit RC-062, and its pay grade 18.

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: May 18, 2006
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amendment	30 Ill. Reg. 6024, 4/7/06
310.280	Amendment	30 Ill. Reg. 6024, 4/7/06
310.470	Amendment	30 Ill. Reg. 6024, 4/7/06
310.490	Amendment	30 Ill. Reg. 6024, 4/7/06
310.495	Amendment	30 Ill. Reg. 6024, 4/7/06
310.30	Amendment	30 Ill. Reg. 6444, 4/21/06
310.45	New Section	30 Ill. Reg. 6444, 4/21/06
310.50	Amendment	30 Ill. Reg. 6444, 4/21/06
310.80	Amendment	30 Ill. Reg. 6444, 4/21/06
310.100	Amendment	30 Ill. Reg. 6444, 4/21/06
310.110	Amendment	30 Ill. Reg. 6444, 4/21/06
310.130	Amendment	30 Ill. Reg. 6444, 4/21/06
310.220	Amendment	30 Ill. Reg. 6444, 4/21/06
310.280	Amendment	30 Ill. Reg. 6444, 4/21/06
310.290	Amendment	30 Ill. Reg. 6444, 4/21/06
310.530	Amendment	30 Ill. Reg. 6444, 4/21/06
310.540	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table D	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table E	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table F	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table G	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table H	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table I	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table J	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table K	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table L	Amendment	30 Ill. Reg. 6444, 4/21/06

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310.Appendix A Table M	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table N	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table O	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table P	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table Q	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table R	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table T	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table U	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table V	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table W	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table X	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table Y	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table Z	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix A Table AA	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix B	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix C	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix D	Amendment	30 Ill. Reg. 6444, 4/21/06
310.Appendix G	Amendment	30 Ill. Reg. 6444, 4/21/06

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

14) Information and questions regarding these preemptory amendments shall be directed to:

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

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

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

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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
310.50	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 for Fiscal Year 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2006
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
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 for Fiscal Year 2006

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;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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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 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

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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.

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assignment Coordinator	01530	MC-07
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07

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Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Economic Development Representative I	12931	MC-05
Economic Development Representative II	12932	MC-07
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Industrial and Community Development Representative I	21051	MC-05
Industrial and Community Development Representative II	21052	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Liability Claims Adjuster II	23372	MC-06
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Meat and Poultry Inspector Supervisor	26073	MC-05

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Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Mine Rescue Station Supervisor	28155	MC-01
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Property Tax Analyst III	34923	MC-05
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Quality Control Supervisor	35900	MC-07
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Public Information Coordinator	36750	MC-06
Radiologic Technologist Chief	37505	MC-03
Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor I	38201	MC-02
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Retirement System Disability Specialist	38310	MC-06
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07

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Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
<u>Check Issuance Machine Supervisor</u>	<u>06925</u>	<u>RC-014</u>	<u>11</u>
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	12
Emergency Response Telecommunicator	13543	RC-014	10
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
Graphic Arts Designer	17366	RC-014	14
Graphic Arts Designer Supervisor	17365	RC-014	18

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Graphic Arts Technician	17400	RC-014	12
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Aide	30005	RC-014	02
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer I	32085	RC-014	11
Photographer II	32086	RC-014	14
Photographer III	32087	RC-014	15
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5
Property and Supply Clerk III	34793	RC-014	08
Property Tax Examiner	34930	RC-014	09
Rehabilitation Case Coordinator I	38141	RC-014	08
Rehabilitation Case Coordinator II	38142	RC-014	10
<u>Reproduction Service Supervisor I</u>	<u>38201</u>	<u>RC-014</u>	<u>13</u>
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11
Safety Responsibility Analyst	38910	RC-014	12

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Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator	45321	RC-014	12
Telecommunicator – Call Taker	45322	RC-014	14
Telecommunicator – Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Trainee	45325	RC-014	10
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Lead Specialist	45327	RC-014	17
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

Effective July 1, 2005
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	1878	1922	1967	2013	2057	2103	2160	2209	2259	2344	2414
02	Q	1936	1981	2028	2076	2122	2171	2228	2281	2332	2419	2492
02	S	1990	2035	2082	2131	2176	2224	2283	2334	2387	2474	2548
02H	B	11.56	11.83	12.1	12.39	12.66	12.94	13.29	13.59	13.9	14.42	14.86
02H	Q	11.91	12.19	12.48	12.78	13.06	13.36	13.71	14.04	14.35	14.89	15.34
02H	S	12.25	12.52	12.81	13.11	13.39	13.69	14.05	14.36	14.69	15.22	15.68
03	B	1918	1962	2009	2057	2103	2161	2213	2264	2317	2414	2488
03	Q	1977	2024	2072	2122	2171	2229	2284	2336	2392	2493	2567
03	S	2031	2078	2126	2176	2224	2284	2337	2391	2445	2547	2623

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03.5	B	1960	2007	2055	2103	2157	2213	2266	2317	2377	2478	2551
03.5	Q	2022	2070	2120	2171	2226	2284	2338	2392	2453	2557	2634
03.5	S	2075	2124	2174	2224	2281	2337	2393	2445	2507	2612	2691
04	B	1960	2007	2055	2103	2161	2217	2268	2332	2383	2485	2559
04	Q	2022	2070	2120	2171	2229	2288	2340	2406	2460	2565	2642
04	S	2075	2124	2174	2224	2284	2341	2395	2461	2513	2619	2698
04.5	B	2010	2058	2107	2157	2213	2267	2327	2387	2443	2546	2621
04.5	Q	2073	2123	2174	2226	2284	2339	2401	2464	2521	2629	2707
04.5	S	2127	2177	2227	2281	2337	2394	2455	2517	2577	2683	2764
05	B	2013	2061	2110	2161	2220	2280	2339	2395	2453	2554	2632
05	Q	2076	2126	2177	2229	2290	2353	2413	2472	2533	2638	2717
05	S	2131	2180	2231	2284	2343	2406	2468	2527	2587	2692	2772
05.5	B	2061	2110	2161	2213	2268	2337	2394	2453	2517	2619	2699
05.5	Q	2126	2177	2229	2284	2340	2411	2471	2533	2600	2706	2787
05.5	S	2180	2231	2284	2337	2395	2466	2526	2587	2654	2760	2844
06	B	2067	2117	2168	2220	2281	2341	2407	2468	2536	2643	2721
06	Q	2132	2183	2236	2290	2354	2416	2485	2549	2618	2730	2811
06	S	2185	2238	2290	2343	2407	2470	2540	2603	2672	2786	2869
07	B	2123	2174	2227	2281	2344	2412	2481	2548	2618	2738	2819
07	Q	2189	2243	2297	2354	2419	2491	2561	2631	2705	2831	2916
07	S	2244	2296	2352	2407	2474	2545	2615	2685	2759	2887	2973
08	B	2181	2234	2288	2344	2417	2490	2568	2638	2713	2842	2926
08	Q	2250	2304	2361	2419	2497	2570	2653	2723	2806	2939	3026
08	S	2303	2359	2414	2474	2550	2624	2707	2781	2862	2995	3084
09	B	2248	2303	2359	2417	2493	2573	2652	2737	2818	2951	3039
09	Q	2321	2377	2436	2497	2574	2658	2740	2829	2914	3053	3145

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09	S	2374	2432	2490	2550	2628	2712	2796	2886	2971	3111	3204
10	B	2319	2377	2436	2496	2587	2664	2752	2839	2927	3076	3169
10	Q	2394	2453	2514	2578	2671	2753	2845	2936	3027	3188	3282
10	S	2447	2507	2568	2631	2725	2809	2901	2991	3087	3248	3346
10.5	B	2388	2447	2508	2570	2652	2743	2827	2926	3011	3164	3259
10.5	Q	2465	2527	2590	2655	2740	2836	2923	3026	3116	3278	3377
10.5	S	2518	2581	2644	2709	2796	2893	2979	3086	3177	3341	3440
11	B	2403	2462	2525	2588	2676	2763	2862	2957	3049	3210	3307
11	Q	2481	2543	2606	2672	2767	2858	2960	3059	3157	3326	3426
11	S	2536	2597	2660	2726	2823	2913	3016	3117	3217	3386	3488
12	B	2497	2559	2623	2691	2790	2883	2990	3088	3202	3374	3475
12	Q	2579	2643	2710	2782	2885	2980	3096	3200	3318	3498	3603
12	S	2633	2697	2765	2837	2941	3038	3155	3261	3379	3560	3667
12.5	B	2555	2619	2687	2756	2858	2958	3069	3175	3279	3458	3562
12.5	Q	2639	2706	2776	2850	2955	3061	3179	3292	3399	3588	3696
12.5	S	2693	2760	2833	2906	3012	3119	3241	3352	3460	3652	3762
13	B	2588	2653	2721	2793	2896	3006	3119	3233	3353	3540	3647
13	Q	2672	2742	2813	2888	2995	3112	3233	3351	3475	3673	3783
13	S	2726	2797	2869	2944	3052	3171	3294	3412	3538	3736	3848
14	B	2693	2763	2838	2913	3024	3142	3279	3399	3528	3733	3845
14	Q	2784	2858	2935	3013	3131	3257	3399	3526	3661	3874	3990
14	S	2839	2913	2990	3071	3192	3317	3460	3587	3723	3935	4053
15	B	2797	2871	2949	3028	3161	3292	3421	3561	3693	3915	4033
15	Q	2893	2970	3051	3135	3275	3412	3549	3696	3832	4062	4183
15	S	2948	3025	3109	3196	3336	3471	3613	3758	3893	4124	4247

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16	B	2921	3000	3082	3170	3313	3458	3603	3753	3903	4133	4257
16	Q	3021	3105	3194	3286	3433	3588	3739	3892	4049	4289	4418
16	S	3080	3165	3254	3347	3496	3652	3803	3956	4113	4350	4482
17	B	3051	3137	3227	3321	3475	3635	3789	3942	4102	4347	4477
17	Q	3160	3251	3346	3441	3606	3772	3930	4090	4256	4510	4646
17	S	3219	3312	3406	3504	3669	3836	3994	4153	4318	4574	4711
18	B	3207	3299	3394	3495	3664	3835	4009	4173	4340	4599	4738
18	Q	3323	3419	3520	3626	3805	3979	4161	4332	4503	4772	4915
18	S	3383	3479	3584	3687	3866	4042	4223	4393	4568	4834	4979
19	B	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19	Q	3499	3603	3711	3822	4017	4204	4404	4587	4780	5068	5220
19	S	3561	3667	3775	3885	4081	4269	4466	4651	4843	5131	5285
20	B	3564	3672	3781	3893	4090	4280	4483	4678	4871	5167	5322
20	Q	3699	3809	3922	4039	4243	4442	4652	4852	5054	5363	5524
20	S	3760	3872	3985	4102	4305	4503	4714	4915	5116	5423	5587

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Effective January 1, 2006
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	1934	1980	2026	2073	2119	2166	2225	2275	2327	2414	2486
02	Q	2009	2055	2104	2154	2202	2252	2312	2367	2419	2510	2585
02	S	2065	2111	2160	2211	2258	2307	2369	2422	2477	2567	2644
02H	B	11.90	12.18	12.47	12.76	13.04	13.33	13.69	14.00	14.32	14.86	15.30
02H	Q	12.36	12.65	12.95	13.26	13.55	13.86	14.23	14.57	14.89	15.45	15.91
02H	S	12.71	12.99	13.29	13.61	13.90	14.20	14.58	14.90	15.24	15.80	16.27

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

03	B	1976	2021	2069	2119	2166	2226	2279	2332	2387	2486	2563
03	Q	2051	2100	2150	2202	2252	2313	2370	2424	2482	2586	2663
03	S	2107	2156	2206	2258	2307	2370	2425	2481	2537	2643	2721
03.5	B	2019	2067	2117	2166	2222	2279	2334	2387	2448	2552	2628
03.5	Q	2098	2148	2200	2252	2309	2370	2426	2482	2545	2653	2733
03.5	S	2153	2204	2256	2307	2367	2425	2483	2537	2601	2710	2792
04	B	2019	2067	2117	2166	2226	2284	2336	2402	2454	2560	2636
04	Q	2098	2148	2200	2252	2313	2374	2428	2496	2552	2661	2741
04	S	2153	2204	2256	2307	2370	2429	2485	2553	2607	2717	2799
04.5	B	2070	2120	2170	2222	2279	2335	2397	2459	2516	2622	2700
04.5	Q	2151	2203	2256	2309	2370	2427	2491	2556	2616	2728	2809
04.5	S	2207	2259	2311	2367	2425	2484	2547	2611	2674	2784	2868
05	B	2073	2123	2173	2226	2287	2348	2409	2467	2527	2631	2711
05	Q	2154	2206	2259	2313	2376	2441	2503	2565	2628	2737	2819
05	S	2211	2262	2315	2370	2431	2496	2561	2622	2684	2793	2876
05.5	B	2123	2173	2226	2279	2336	2407	2466	2527	2593	2698	2780
05.5	Q	2206	2259	2313	2370	2428	2501	2564	2628	2698	2807	2892
05.5	S	2262	2315	2370	2425	2485	2558	2621	2684	2754	2864	2951
06	B	2129	2181	2233	2287	2349	2411	2479	2542	2612	2722	2803
06	Q	2212	2265	2320	2376	2442	2507	2578	2645	2716	2832	2916
06	S	2267	2322	2376	2431	2497	2563	2635	2701	2772	2890	2977
07	B	2187	2239	2294	2349	2414	2484	2555	2624	2697	2820	2904
07	Q	2271	2327	2383	2442	2510	2584	2657	2730	2806	2937	3025
07	S	2328	2382	2440	2497	2567	2640	2713	2786	2862	2995	3084
08	B	2246	2301	2357	2414	2490	2565	2645	2717	2794	2927	3014

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

08	Q	2334	2390	2450	2510	2591	2666	2752	2825	2911	3049	3139
08	S	2389	2447	2505	2567	2646	2722	2809	2885	2969	3107	3200
09	B	2315	2372	2430	2490	2568	2650	2732	2819	2903	3040	3130
09	Q	2408	2466	2527	2591	2671	2758	2843	2935	3023	3167	3263
09	S	2463	2523	2583	2646	2727	2814	2901	2994	3082	3228	3324
10	B	2389	2448	2509	2571	2665	2744	2835	2924	3015	3168	3264
10	Q	2484	2545	2608	2675	2771	2856	2952	3046	3141	3308	3405
10	S	2539	2601	2664	2730	2827	2914	3010	3103	3203	3370	3471
10.5	B	2460	2520	2583	2647	2732	2825	2912	3014	3101	3259	3357
10.5	Q	2557	2622	2687	2755	2843	2942	3033	3139	3233	3401	3504
10.5	S	2612	2678	2743	2811	2901	3001	3091	3202	3296	3466	3569
11	B	2475	2536	2601	2666	2756	2846	2948	3046	3140	3306	3406
11	Q	2574	2638	2704	2772	2871	2965	3071	3174	3275	3451	3554
11	S	2631	2694	2760	2828	2929	3022	3129	3234	3338	3513	3619
12	B	2572	2636	2702	2772	2874	2969	3080	3181	3298	3475	3579
12	Q	2676	2742	2812	2886	2993	3092	3212	3320	3442	3629	3738
12	S	2732	2798	2869	2943	3051	3152	3273	3383	3506	3694	3805
12.5	B	2632	2698	2768	2839	2944	3047	3161	3270	3377	3562	3669
12.5	Q	2738	2807	2880	2957	3066	3176	3298	3415	3526	3723	3835
12.5	S	2794	2864	2939	3015	3125	3236	3363	3478	3590	3789	3903
13	B	2666	2733	2803	2877	2983	3096	3213	3330	3454	3646	3756
13	Q	2772	2845	2918	2996	3107	3229	3354	3477	3605	3811	3925
13	S	2828	2902	2977	3054	3166	3290	3418	3540	3671	3876	3992
14	B	2774	2846	2923	3000	3115	3236	3377	3501	3634	3845	3960
14	Q	2888	2965	3045	3126	3248	3379	3526	3658	3798	4019	4140
14	S	2945	3022	3102	3186	3312	3441	3590	3722	3863	4083	4205

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	2881	2957	3037	3119	3256	3391	3524	3668	3804	4032	4154
15	Q	3001	3081	3165	3253	3398	3540	3682	3835	3976	4214	4340
15	S	3059	3138	3226	3316	3461	3601	3748	3899	4039	4279	4406
16	B	3009	3090	3174	3265	3412	3562	3711	3866	4020	4257	4385
16	Q	3134	3221	3314	3409	3562	3723	3879	4038	4201	4450	4584
16	S	3196	3284	3376	3473	3627	3789	3946	4104	4267	4513	4650
17	B	3143	3231	3324	3421	3579	3744	3903	4060	4225	4477	4611
17	Q	3279	3373	3471	3570	3741	3913	4077	4243	4416	4679	4820
17	S	3340	3436	3534	3635	3807	3980	4144	4309	4480	4746	4888
18	B	3303	3398	3496	3600	3774	3950	4129	4298	4470	4737	4880
18	Q	3448	3547	3652	3762	3948	4128	4317	4494	4672	4951	5099
18	S	3510	3609	3718	3825	4011	4194	4381	4558	4739	5015	5166
19	B	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19	Q	3630	3738	3850	3965	4168	4362	4569	4759	4959	5258	5416
19	S	3695	3805	3917	4031	4234	4429	4633	4825	5025	5323	5483
20	B	3671	3782	3894	4010	4213	4408	4617	4818	5017	5322	5482
20	Q	3838	3952	4069	4190	4402	4609	4826	5034	5244	5564	5731
20	S	3901	4017	4134	4256	4466	4672	4891	5099	5308	5626	5797

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(Source: Peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006)

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
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
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
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Business Administrative Specialist	05810	RC-062	16
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child 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 1	07241	RC-062	12
Children and Family Service Intern – Option 2	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
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 Academy Trainer	09732	RC-062	17
Corrections Apprehension Specialist	09750	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
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
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	20
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Educator – Provisional	13105	RC-062	12
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 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
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
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
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
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 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 Rights Investigator I	19774	RC-062	15
Human Rights Investigator II	19775	RC-062	17
Human Rights Investigator III	19776	RC-062	18
Human Rights Specialist I	19778	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial 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
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
<u>Liability Claims Adjuster II</u>	<u>23372</u>	<u>RC-062</u>	<u>18</u>
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 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 Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Paralegal Assistant	30860	RC-062	14
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
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 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 Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
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

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Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
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
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	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	38572	RC-062	14
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
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
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
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

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NOTICE OF PEREMPTORY AMENDMENTS

Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12

For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles 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 (e.g. IL, CA, 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. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. 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).

Effective July 1, 2005
Bargaining Unit: RC-062

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>
09	B	2248	2303	2359	2417	2493	2573	2652	2737	2818	2951	3039
09	Q	2321	2377	2436	2497	2574	2658	2740	2829	2914	3053	3145
09	S	2374	2432	2490	2550	2628	2712	2796	2886	2971	3111	3204
10	B	2319	2377	2436	2496	2587	2664	2752	2839	2927	3076	3169
10	Q	2394	2453	2514	2578	2671	2753	2845	2936	3027	3188	3282
10	S	2447	2507	2568	2631	2725	2809	2901	2991	3087	3248	3346
11	B	2403	2462	2525	2588	2676	2763	2862	2957	3049	3210	3307

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	Q	2481	2543	2606	2672	2767	2858	2960	3059	3157	3326	3426
11	S	2536	2597	2660	2726	2823	2913	3016	3117	3217	3386	3488
12	B	2497	2559	2623	2691	2790	2883	2990	3088	3202	3374	3475
12	Q	2579	2643	2710	2782	2885	2980	3096	3200	3318	3498	3603
12	S	2633	2697	2765	2837	2941	3038	3155	3261	3379	3560	3667
12H	B	15.37	15.75	16.14	16.56	17.17	17.74	18.40	19.00	19.70	20.76	21.38
12H	Q	15.87	16.26	16.68	17.12	17.75	18.34	19.05	19.69	20.42	21.53	22.17
12H	S	16.20	16.60	17.02	17.46	18.10	18.70	19.42	20.07	20.79	21.91	22.57
13	B	2588	2653	2721	2793	2896	3006	3119	3233	3353	3540	3647
13	Q	2672	2742	2813	2888	2995	3112	3233	3351	3475	3673	3783
13	S	2726	2797	2869	2944	3052	3171	3294	3412	3538	3736	3848
14	B	2693	2763	2838	2913	3024	3142	3279	3399	3528	3733	3845
14	Q	2784	2858	2935	3013	3131	3257	3399	3526	3661	3874	3990
14	S	2839	2913	2990	3071	3192	3317	3460	3587	3723	3935	4053
14H	B	16.57	17.00	17.46	17.93	18.61	19.34	20.18	20.92	21.71	22.97	23.66
14H	Q	17.13	17.59	18.06	18.54	19.27	20.04	20.92	21.70	22.53	23.84	24.55
14H	S	17.47	17.93	18.40	18.90	19.64	20.41	21.29	22.07	22.91	24.22	24.94
15	B	2797	2871	2949	3028	3161	3292	3421	3561	3693	3915	4033
15	Q	2893	2970	3051	3135	3275	3412	3549	3696	3832	4062	4183
15	S	2948	3025	3109	3196	3336	3471	3613	3758	3893	4124	4247
16	B	2921	3000	3082	3170	3313	3458	3603	3753	3903	4133	4257
16	Q	3021	3105	3194	3286	3433	3588	3739	3892	4049	4289	4418
16	S	3080	3165	3254	3347	3496	3652	3803	3956	4113	4350	4482
17	B	3051	3137	3227	3321	3475	3635	3789	3942	4102	4347	4477
17	Q	3160	3251	3346	3441	3606	3772	3930	4090	4256	4510	4646
17	S	3219	3312	3406	3504	3669	3836	3994	4153	4318	4574	4711
18	B	3207	3299	3394	3495	3664	3835	4009	4173	4340	4599	4738
18	Q	3323	3419	3520	3626	3805	3979	4161	4332	4503	4772	4915
18	S	3383	3479	3584	3687	3866	4042	4223	4393	4568	4834	4979

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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19	B	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19	J	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19	Q	3499	3603	3711	3822	4017	4204	4404	4587	4780	5068	5220
19	S	3561	3667	3775	3885	4081	4269	4466	4651	4843	5131	5285
20	B	3564	3672	3781	3893	4090	4280	4483	4678	4871	5167	5322
20	Q	3699	3809	3922	4039	4243	4442	4652	4852	5054	5363	5524
20	S	3760	3872	3985	4102	4305	4503	4714	4915	5116	5423	5587
21	B	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21	U	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21	Q	3904	4022	4140	4264	4485	4699	4920	5144	5359	5693	5864
21	S	3967	4084	4202	4329	4546	4762	4984	5207	5420	5755	5928
22	B	3976	4096	4220	4346	4572	4795	5022	5254	5473	5813	5987
22	Q	4126	4251	4378	4508	4743	4977	5210	5451	5679	6031	6213
22	S	4189	4312	4441	4573	4804	5039	5270	5513	5744	6095	6277
23	B	4220	4346	4476	4609	4853	5102	5345	5591	5834	6200	6386
23	Q	4378	4508	4643	4785	5037	5295	5544	5800	6053	6432	6625
23	S	4441	4573	4707	4846	5099	5357	5607	5863	6115	6494	6690
24	B	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24	J	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24	Q	4657	4797	4942	5092	5362	5640	5912	6184	6464	6870	7077
24	S	4721	4860	5004	5154	5422	5702	5974	6248	6527	6932	7139
25	B	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25	J	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25	Q	4964	5113	5266	5423	5722	6022	6324	6626	6926	7370	7591
25	S	5029	5175	5331	5487	5785	6084	6386	6687	6987	7433	7656
26	B	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809
26	U	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809
27	B	5346	5506	5672	5956	6280	6612	6948	7272	7598	8090	8332
27	U	5346	5506	5672	5956	6280	6612	6948	7272	7598	8090	8332

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective January 1, 2006
Bargaining Unit: RC-062

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>
09	B	2315	2372	2430	2490	2568	2650	2732	2819	2903	3040	3130
09	Q	2408	2466	2527	2591	2671	2758	2843	2935	3023	3167	3263
09	S	2463	2523	2583	2646	2727	2814	2901	2994	3082	3228	3324
10	B	2389	2448	2509	2571	2665	2744	2835	2924	3015	3168	3264
10	Q	2484	2545	2608	2675	2771	2856	2952	3046	3141	3308	3405
10	S	2539	2601	2664	2730	2827	2914	3010	3103	3203	3370	3471
11	B	2475	2536	2601	2666	2756	2846	2948	3046	3140	3306	3406
11	Q	2574	2638	2704	2772	2871	2965	3071	3174	3275	3451	3554
11	S	2631	2694	2760	2828	2929	3022	3129	3234	3338	3513	3619
12	B	2572	2636	2702	2772	2874	2969	3080	3181	3298	3475	3579
12	Q	2676	2742	2812	2886	2993	3092	3212	3320	3442	3629	3738
12	S	2732	2798	2869	2943	3051	3152	3273	3383	3506	3694	3805
12H	B	15.83	16.22	16.63	17.06	17.69	18.27	18.95	19.58	20.30	21.38	22.02
12H	Q	16.47	16.87	17.30	17.76	18.42	19.03	19.77	20.43	21.18	22.33	23.00
12H	S	16.81	17.22	17.66	18.11	18.78	19.40	20.14	20.82	21.58	22.73	23.42
13	B	2666	2733	2803	2877	2983	3096	3213	3330	3454	3646	3756
13	Q	2772	2845	2918	2996	3107	3229	3354	3477	3605	3811	3925
13	S	2828	2902	2977	3054	3166	3290	3418	3540	3671	3876	3992
14	B	2774	2846	2923	3000	3115	3236	3377	3501	3634	3845	3960
14	Q	2888	2965	3045	3126	3248	3379	3526	3658	3798	4019	4140
14	S	2945	3022	3102	3186	3312	3441	3590	3722	3863	4083	4205
14H	B	17.07	17.51	17.99	18.46	19.17	19.91	20.78	21.54	22.36	23.66	24.37
14H	Q	17.77	18.25	18.74	19.24	19.99	20.79	21.70	22.51	23.37	24.73	25.48
14H	S	18.12	18.60	19.09	19.61	20.38	21.18	22.09	22.90	23.77	25.13	25.88

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	2881	2957	3037	3119	3256	3391	3524	3668	3804	4032	4154
15	Q	3001	3081	3165	3253	3398	3540	3682	3835	3976	4214	4340
15	S	3059	3138	3226	3316	3461	3601	3748	3899	4039	4279	4406
16	B	3009	3090	3174	3265	3412	3562	3711	3866	4020	4257	4385
16	Q	3134	3221	3314	3409	3562	3723	3879	4038	4201	4450	4584
16	S	3196	3284	3376	3473	3627	3789	3946	4104	4267	4513	4650
17	B	3143	3231	3324	3421	3579	3744	3903	4060	4225	4477	4611
17	Q	3279	3373	3471	3570	3741	3913	4077	4243	4416	4679	4820
17	S	3340	3436	3534	3635	3807	3980	4144	4309	4480	4746	4888
18	B	3303	3398	3496	3600	3774	3950	4129	4298	4470	4737	4880
18	Q	3448	3547	3652	3762	3948	4128	4317	4494	4672	4951	5099
18	S	3510	3609	3718	3825	4011	4194	4381	4558	4739	5015	5166
19	B	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19	J	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19	Q	3630	3738	3850	3965	4168	4362	4569	4759	4959	5258	5416
19	S	3695	3805	3917	4031	4234	4429	4633	4825	5025	5323	5483
20	B	3671	3782	3894	4010	4213	4408	4617	4818	5017	5322	5482
20	Q	3838	3952	4069	4190	4402	4609	4826	5034	5244	5564	5731
20	S	3901	4017	4134	4256	4466	4672	4891	5099	5308	5626	5797
21	B	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21	U	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21	Q	4050	4173	4295	4424	4653	4875	5105	5337	5560	5906	6084
21	S	4116	4237	4360	4491	4716	4941	5171	5402	5623	5971	6150
22	B	4095	4219	4347	4476	4709	4939	5173	5412	5637	5987	6167
22	Q	4281	4410	4542	4677	4921	5164	5405	5655	5892	6257	6446
22	S	4346	4474	4608	4744	4984	5228	5468	5720	5959	6324	6512
23	B	4347	4476	4610	4747	4999	5255	5505	5759	6009	6386	6578
23	Q	4542	4677	4817	4964	5226	5494	5752	6018	6280	6673	6873
23	S	4608	4744	4884	5028	5290	5558	5817	6083	6344	6738	6941

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24	B	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24	J	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24	Q	4832	4977	5127	5283	5563	5852	6134	6416	6706	7128	7342
24	S	4898	5042	5192	5347	5625	5916	6198	6482	6772	7192	7407
25	B	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25	J	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25	Q	5150	5305	5463	5626	5937	6248	6561	6874	7186	7646	7876
25	S	5218	5369	5531	5693	6002	6312	6625	6938	7249	7712	7943
26	B	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
26	U	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
27	B	5506	5671	5842	6135	6468	6810	7156	7490	7826	8333	8582
27	U	5506	5671	5842	6135	6468	6810	7156	7490	7826	8333	8582

(Source: Peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006)

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NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 15678, dated October 21, 2005.
- 4) The information being corrected is as follows: On the Notice Page, #12, the answer concerning Initial Regulatory Flexibility Analysis: A) Types of small businesses, small municipalities and not for profit corporations affected should read as follows: These rules are of general applicability and will affect small business the same as large business, although most of the modifications are controls on the way the agency handles procurements.

The agency originally indicated that small businesses would not be affected.

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- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code Part 225
- 3) Illinois Register Citation to Notice of Proposed Rule: 30 Ill. Reg. 9281; May 19, 2006
- 4) Section being corrected: Main authority note to the proposed Part.
- 5) Correction being made: The main authority note to the proposed Part 225 inadvertently contained a reference to Sections 9.10 and 28.5 of the Illinois Environmental Protection Act (415 ILCS 5). The main authority note should read as follows: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27]. Please note that the First Notice Period for this rulemaking begins anew on June 2, 2006, which is the publication date of this correction in the *Illinois Register*.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 225

CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES

SUBPART A: GENERAL PROVISIONS

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225.100	Severability
225.120	Abbreviations and Acronyms
225.130	Definitions
225.140	Incorporations by Reference

SUBPART B: CONTROL OF MERCURY EMISSIONS
FROM COAL-FIRED ELECTRIC GENERATING UNITS

Section	
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225.240	General Monitoring and Reporting Requirements
225.250	Initial Certification and Recertification Procedures for Emissions Monitoring
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225.261	Additional Requirements to Provide Heat Input Data
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225.290	Recordkeeping and Reporting
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AUTHORITY: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 225.100 Severability

If any Section, subsection or clause of this Part is found invalid, such finding shall not affect the validity of this Part as a whole or any Section, subsection or clause not found invalid.

Section 225.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

Act	Environmental Protection Act [415 ILCS 5]
Btu	British thermal unit
CAA	Clean Air Act (42 USC 7401 et seq.)
CAAPP	Clean Air Act Permit Program
CO ₂	carbon dioxide
EGU	electric generating unit
GWh	gigawatt hour
hr	hour
lb	pound
MW	megawatt
MWe	megawatt electrical
MWh	megawatt hour
NO _x	nitrogen oxides
O ₂	oxygen
RATA	relative accuracy test audit
SO ₂	sulfur dioxide
USEPA	United States Environmental Protection Agency

Section 225.130 Definitions

The definitions contained in this Section apply only to the provisions of this Part. Unless otherwise defined in this Section and unless a different meaning of a term is clear from its

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context, the definitions of terms used in this Part shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

"Averaging demonstration" means, with regard to Subpart B of this Part, a demonstration of compliance that is based on the combined performance of EGUs at two or more sources.

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

"Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77, 90, 91, 95, 98a, or 99 (Reapproved 2004).

"Coal-derived fuel" means any fuel (whether in a solid, liquid or gaseous state) produced by the mechanical, thermal, or chemical process.

"Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during a specified year.

"Cogeneration unit" means a stationary, fossil fuel-fired boiler or stationary, fossil fuel-fired combustion turbine:

Having equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and

Producing during the 12-month period starting on the date the unit first produces electricity and during any calendar year after the calendar year in which the unit first produces electricity:

For a topping-cycle cogeneration unit:

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Useful thermal energy not less than 5 percent of total energy output; and

Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input, if useful thermal energy produced is less than 15 percent of total energy output.

For a bottoming-cycle cogeneration unit, useful power not less than 45 percent of total energy input.

"Combustion turbine" means:

An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

If the enclosed device under the above paragraph of this definition is combined cycle, any associated heat recovery steam generator and steam turbine.

"Commence commercial operation" means, with regard to Subpart B of this Part, with regard to an Electric Generating Unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date shall remain the unit's date of commencement of operation even if the Electric Generating Unit is subsequently modified, reconstructed or repowered.

"Designated representative" means, with regard to Subpart B of this Part, the same as defined in 40 CFR 60.4102.

"Flue" means a conduit or duct through which gases or other matter is exhausted to the atmosphere.

"Gross electrical output" means the total electrical output from an Electric Generating Unit before making any deductions for energy output used in any way related to the production of energy. For an Electric Generating Unit generating

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only electricity, the gross electrical output is the output from the turbine/generator set.

"Input mercury" means the mass of mercury that is contained in the coal combusted within an Electric Generating Unit.

"Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.

"Output-based emission standard" means, with regard to Subpart B of this Part, a maximum allowable rate of emissions of mercury per unit of gross electrical output from an Electric Generating Unit.

"Repowered" means, with regard to an EGU, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:

Atmospheric or pressurized fluidized bed combustion;

Integrated gasification combined cycle;

Magnetohydrodynamics;

Direct and indirect coal-fired turbines;

Integrated gasification fuel cells; or

As determined by the USEPA in consultation with the United States Department of Energy, a derivative of one or more of the technologies under this definition and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste

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reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

"Rolling 12-month basis" means, with regard to Subpart B of this Part, a determination made on a monthly basis from the relevant data for a particular calendar month and the preceding 11 calendar months (total of 12 months of data), with two exceptions. For determinations involving one EGU, calendar months in which the EGU does not operate (zero EGU operating hours) shall not be included in the determination, and shall be replaced by a preceding month or months in which the EGU does operate, so that the determination is still based on 12 months of data. For determinations involving two or more EGUs, calendar months in which none of the EGUs covered by the determination operates (zero EGU operating hours) shall not be included in the determination, and shall be replaced by preceding months in which at least one of the EGUs covered by the determination does operate, so that the determination is still based on 12 months of data.

Section 225.140 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) 40 CFR 60, 60.17, 60.45a, 60.49a(k)(1), 60.49a(p), 60.50a(h), and 60.4170 through 60.4176 (2005).
- b) 40 CFR 75 (2005).
- c) ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, (610) 832-9585:
 - 1) ASTM D388-77, 90, 91, 95, 98a, or 99, Classification of Coals by Rank (Reapproved 2004).
 - 2) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
 - 3) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).

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- 4) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- 5) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).
- 6) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

SUBPART B: CONTROL OF MERCURY EMISSIONS
FROM COAL-FIRED ELECTRIC GENERATING UNITS**Section 225.200 Purpose**

The purpose of this Subpart is to control the emissions of mercury from coal-fired electrical generating units in Illinois.

Section 225.202 Measurement Methods

Measurement of mercury shall be according to the following:

- a) Continuous emission monitoring pursuant to 40 CFR 75 (2005).
- b) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
- c) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).
- d) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- e) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).

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- f) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

Section 225.205 Applicability

The following stationary coal-fired boilers and stationary coal-fired combustion turbines are EGUs and are subject to this Subpart:

- a) Except as provided in subsection (b) of this Section, a unit serving, at any time since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
- b) For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 MWe and supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, the unit shall be subject to subsection (a) of this Section starting on the day on which the unit first no longer qualifies as a cogeneration unit.

Section 225.210 Compliance Requirements

- a) **Permit Requirements**
The owner or operator of each source with one or more EGUs subject to this Subpart at the source must apply for a CAAPP permit that addresses the applicable requirements of this Subpart.
- b) **Monitoring Requirements**
 - 1) The owner or operator of each source and each EGU at the source must comply with the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.
 - 2) The compliance of each EGU with the mercury requirements under Sections 225.230 and 225.237 of this Subpart shall be determined by the

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emissions measurements recorded and reported in accordance with Sections 225.240 through 225.290 of this Subpart.

- c) **Mercury Emission Reduction Requirements**
The owner or operator of any EGU subject to this Subpart shall comply with applicable requirements for control of mercury emissions under Section 225.230 or Section 225.237 of this Subpart.
- d) **Recordkeeping and Reporting Requirements**
Unless otherwise provided, the owner or operator of a source with one or more EGUs at the source shall keep on site at the source each of the documents listed in subsections (d)(1) through (d)(3) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency.
 - 1) All emissions monitoring information, in accordance with Sections 225.240 through 225.290 of this Subpart.
 - 2) Copies of all reports, compliance certifications, and other submissions and all records made or required or documents necessary to demonstrate compliance with the requirements of this Subpart.
 - 3) Copies of all documents used to complete a permit application and any other submission under this Subpart.
- e) **Liability**
 - 1) The owner or operator of each source with one or more EGUs shall meet the requirements of this Subpart.
 - 2) Any provision of this Subpart that applies to a source shall also apply to the owner and operator of such source and to the owner and operator of each EGU at the source.
 - 3) Any provision of this Subpart that applies to an EGU shall also apply to the owner and operator of such EGU.
- f) **Effect on Other Authorities.** No provision of this Subpart shall be construed as exempting or excluding the owner and operator of a source or EGU from

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compliance with any other provision of an approved State Implementation Plan, a permit, the Act, or the CAA.

Section 225.220 Clean Air Act Permit Program (CAAPP) Permit Requirements

- a) Application Requirements
 - 1) Each source with one or more EGUs subject to the requirements of this Subpart is required to submit a CAAPP permit application that addresses all applicable requirements of this Subpart, applicable to each EGU at the source.
 - 2) For any EGU that commenced commercial operation:
 - A) on or before December 31, 2008, the owner or operator of that EGU must submit an initial permit application or application for CAAPP permit modification that meets the requirements of this Section by December 31, 2008.
 - B) after December 31, 2008, the owner or operator of any such EGU must submit an initial CAAPP permit application or application for CAAPP modification that meets the requirements of this Section not later than 180 days before initial startup of the EGU, unless the construction permit issued for the EGU addresses the requirements of this Subpart.
- b) Contents of Permit Applications

In addition to other information required for a complete application for CAAPP permit or CAAPP permit modification, the application shall include the following information:

 - 1) The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable.
 - 2) Identification of each EGU at the source.
 - 3) The intended approach to the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.

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- 4) The intended approach to the mercury emission reduction requirements of Section 225.230 or 225.237 of this Subpart, as applicable.
- c) Permit Contents
- 1) Each CAAPP permit issued by the Agency for a source with one or more EGUs subject to the requirements of this Subpart shall contain federally enforceable conditions addressing all applicable requirements of this Subpart, which conditions shall be a complete and segregable portion of the source's entire CAAPP permit.
 - 2) In addition to conditions related to the applicable requirements of this Subpart, each such CAAPP permit shall also contain the information specified under subsection (b) of this Section.

Section 225.230 Emission Standards for EGUs at Existing Sources

- a) Emission Standards
- 1) Beginning July 1, 2009, the owner or operator of a source with one or more EGUs subject to this Subpart that commenced commercial operation on or before December 31, 2008 shall comply with one of the following standards for each EGU on a rolling 12-month basis:
 - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
 - B) A minimum 90-percent reduction of input mercury.
 - 2) For an EGU complying with subsection (a)(1)(A) of this Section, the actual mercury emission rate of the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall not exceed the applicable emission standard:

$$ER = \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} O_i$$

Where:

ER = Actual mercury emissions rate of the EGU for the particular 12-

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month rolling period, expressed in lb/GWh.

E_i = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.

O_i = Gross electrical output of the EGU, in GWh, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.263 of this Subpart.

- 3) For an EGU complying with subsection (a)(1)(B) of this Section, the actual control efficiency for mercury emissions achieved by the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall meet or exceed the applicable efficiency requirement:

$$CE = 100 \times \left\{ 1 - \left(\sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} I_i \right) \right\}$$

Where:

CE = Actual control efficiency for mercury emissions of the EGU for the particular 12-month rolling period, expressed as a percent.

E_i = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.

I_i = Amount of mercury in the fuel fired in the EGU, in pounds, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.265 of this Subpart.

b) Alternative Emission Standards for Single EGUs

- 1) As an alternative to compliance with one of the above emission standards in subsection (a) of this Section, the owner or operator of the EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from the EGU are less than the allowable emissions of mercury from the EGU on a rolling 12-month basis.
- 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from the EGU, as monitored in accordance with this Subpart,

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must not exceed the allowable emissions of mercury from the EGU, as further provided by the following formulas:

$$E_{12} \leq A_{12}$$

$$E_{12} = \sum_{i=1}^{12} E_i$$

$$A_{12} = \sum_{i=1}^{12} A_i$$

Where:

- E_{12} = Actual mercury emissions of the EGU for the particular 12-month rolling period.
- A_{12} = Allowable mercury emissions of the EGU for the particular 12-month rolling period.
- E_i = Actual mercury emissions of the EGU in an individual month in the 12-month rolling period.
- A_i = Allowable mercury emissions of the EGU in an individual month in the 12-month rolling period, based on either the input mercury to the unit ($A_{Input\ i}$) or the electrical output from the EGU ($A_{Output\ i}$), as selected by the owner or operator of the EGU for that given month.
- $A_{Input\ i}$ = Allowable mercury emissions of the EGU in an individual month based on the input mercury to the EGU, calculated as 10.0 percent (or 0.100) of the input mercury to the EGU.
- $A_{Output\ i}$ = Allowable mercury emissions of the EGU in a particular month based on the electrical output from the EGU, calculated as the product of the output based mercury limit, i.e., 0.0080 lb/GWh, and the electrical output from the EGU, in GWh.

- 3) If the owner or operator of an EGU does not conduct the necessary sampling, analysis, and recordkeeping, in accordance with Section 225.265 of this Subpart, to determine the mercury input to the EGU, the allowable emissions of the EGU must be calculated based on the electrical output of the EGU.

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- c) If two or more EGUs are served by common stack(s) and the owner or operator conducts monitoring for mercury emissions in the common stack(s), as provided for by 40 CFR 75, subpart I, such that the mercury emissions of each EGU are not determined separately, compliance of the EGUs with the applicable emission standards of this Subpart shall be determined as if the EGUs were a single EGU.
- d) Alternative Emission Standards for Multiple EGUs
- 1) As an alternative to compliance with the emission standards of subsection (a) of this Section, the owner or operator of a source with an EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from all EGUs at the source are less than the allowable emissions of mercury from all EGUs at the source on a rolling 12-month basis.
 - 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from all the EGUs at the source, as monitored in accordance with this Subpart, must not exceed the sum of the allowable emissions of mercury from all the EGUs at the source, as further provided by the following formulas:

$$E_S \leq A_S$$

$$E_S = \sum_{i=1}^n E_i$$

$$A_S = \sum_{i=1}^n A_i$$

Where:

- E_S = Sum of the actual mercury emissions of the EGUs at the source.
 A_S = Sum of the allowable mercury emissions of the EGUs at the source.
 E_i = Actual mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
 A_i = Allowable mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
 n = Number of EGUs covered by the demonstration.

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- 3) If an owner or operator of a source with two or more EGUs that is relying on this subsection (d) to demonstrate compliance fails to meet the requirements of this subsection (d) in a given 12-month rolling period, all EGUs at such source covered by the compliance demonstration are considered out of compliance with the applicable emission standards of this Subpart for the entire last month of that period.

Section 225.232 Averaging Demonstrations for Existing Sources

- a) Through December 31, 2013, as an alternative to compliance with the emission standards of Section 225.230(a) of this Subpart, the owner or operator of an EGU may comply with the emission standards of this Subpart by means of an Averaging Demonstration (Demonstration) that shows that the actual emissions of mercury from the EGU and other EGUs at the source and other EGUs at other sources covered by the Demonstration are less than the allowable emissions of mercury from all EGUs covered by the Demonstration on a rolling 12-month basis.
- b) The EGUs at each source covered by a Demonstration must also comply with one of the following emission standards on a source-wide basis for the period covered by the Demonstration:
 - 1) An emission standard of 0.020 lb mercury/GWh gross electrical output; or
 - 2) A minimum 75 percent reduction of input mercury.
- c) For the purpose of this Section, compliance shall be determined using the equations in Section 225.230(a)(2), (a)(3), or (d)(2) of this Subpart, as applicable, addressing all EGUs at the sources covered by the Demonstration, rather than only EGUs at one source.
- d) Limitations on Demonstrations
 - 1) The owners or operators of more than one existing source with EGUs can only participate in Demonstrations that include other existing sources that they own or operate.
 - 2) Single Existing Source Demonstrations

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- A) The owner or operator of only a single existing source with EGUs (i.e., City, Water, Light & Power, City of Springfield, ID 167120AAO; Electric Energy, Inc., ID 127855AAC; Kincaid Generating Station, ID 021814AAB; and Southern Illinois Power Cooperative/Marion Generating Station, ID 199856AAC) can only participate in Demonstrations with other such owners or operators of a single existing source of EGUs.
- B) Participation in Demonstrations under this Section by the owner or operator of only a single existing source with EGUs must be authorized through federally enforceable permit conditions for each such source participating in the Demonstration.
- e) A source may be included in only one Demonstration during each rolling 12-month period.
- f) The owner or operator of EGUs using Demonstrations to show compliance with this Subpart must complete the determination of compliance for each 12-month rolling period no later than 60 days following the end of the period.
- g) If averaging is used to demonstrate compliance with this Subpart, the effect of a failure to demonstrate compliance shall be that the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.
- h) For purposes of this Section, if the owner or operator of any source that participates in a Demonstration with an owner or operator of a source that does not maintain the required records, data, and reports for the EGUs at the source, or does not submit copies of such records, data, or reports to the Agency upon request, then the effect of this failure will be deemed to be a failure to demonstrate compliance and the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.

Section 225.235 Units Scheduled for Permanent Shut Down

- a) The emission standards of Section 225.230(a) of this Subpart are not applicable to an EGU that will be permanently shut down as follows:

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- 1) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2009:
 - A) Have notified the Illinois EPA that it is planning to permanently shut down the EGU by the applicable date specified in subsection (a)(3) or (4) of this Section. This notification shall be accompanied by a description of the actions that have already been taken to allow the shut down of the EGU and a description of the future actions that must be accomplished to complete the shut down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut down of the unit.
 - B) Have applied for a construction permit or be actively pursuing a federally enforceable agreement that requires the EGU to be permanently shut down in accordance with this Section.
 - C) Have applied for revisions to the operating permit(s) for the EGU to include provisions that terminate the authorization to operate the unit in accordance with this Section.
- 2) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2010:
 - A) Have obtained a construction permit or entered into a federally enforceable agreement as addressed by subsection (a)(1)(B) of this Section; or
 - B) Have obtained revised operating permit(s) in accordance with subsection (a)(1)(C) of this Section.
- 3) The plan for permanent shut down of the EGU must provide for the EGU to be permanently shut down by no later than the applicable date specified below:
 - A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2010.

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- B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2011.
- 4) The owner or operator of the EGU must permanently shut down the EGU by the date specified in subsection (a)(3) of this Section, unless the owner or operator submits a demonstration to the Illinois EPA before such date showing that circumstances beyond its reasonable control (such as protracted delays in construction activity, unanticipated outage of another EGU, or protracted shakedown of a replacement unit) have occurred that interfere with the plan for permanent shut down of the EGU, in which case the date for shut down of the EGU may be extended as follows:
- A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, for up to one year, i.e., permanent shut down of the EGU to occur by no later than December 31, 2011.
 - B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, for up to 18 months, i.e., permanent shutdown of the EGU to occur by no later than June 30, 2013; provided, however, that after December 31, 2012, the existing EGU shall only operate as a back-up unit to address periods when the new generating units are not in service.
- b) Notwithstanding Sections 225.230 and 225.232 of this Subpart, any EGU that is not required to comply with Section 225.230 of this Subpart pursuant to this Section shall not be included when determining whether any other EGUs at the source or other sources are in compliance with Section 225.230 of this Subpart.
- c) If an EGU, for which the owner or operator of the source has relied upon this Section in lieu of complying with Section 225.230(a) of this Subpart, is not permanently shut down as required by this Section, the EGU shall be considered to be a new EGU subject to the emission standards in Section 225.237(a) of this Subpart beginning in the month after the EGU was required to be permanently shut down, in addition to any other penalties that may be imposed for failure to permanently shut down the EGU in accordance with this Section.

Section 225.237 Emission Standards for New Sources with EGUs

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- a) Standards
 - 1) The owner or operator of a source with one or more EGUs, but that previously had not had any EGUs that commenced commercial operation before January 1, 2009, shall comply with one of the following emission standards for each EGU on a rolling 12-month basis:
 - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
 - B) A minimum 90 percent reduction of input mercury.
 - 2) For this purpose, compliance may be demonstrated using the equations in Section 225.230(a)(2), (a)(3), or (b)(2) of this Subpart.
- b) The initial 12-month rolling period for which compliance with the emission standards of subsection (a)(1) of this Section must be demonstrated for a new EGU shall commence on the date that the initial performance test for the mercury emission standard under 40 CFR 60.45a also commences. The continuous emission monitoring systems required by this Subpart for mercury emissions from the EGU must be certified prior to this date. Thereafter, compliance shall be demonstrated on a rolling 12-month basis in terms of calendar months.

Section 225.240 General Monitoring and Reporting Requirements

The owner or operator of an EGU shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75. If the EGU utilizes a common stack with units that are not EGUs and the owner or operator of the EGU does not conduct emissions monitoring in the duct to the common stack from each EGU, the owner or operator of the EGU shall conduct emissions monitoring in accordance with 40 CFR 75.82(b)(2) and this Section, including monitoring in the duct to the common stack from each unit that is not an EGU, unless the owner or operator of the EGU counts the combined emissions measured at the common stack as the mass emissions of mercury for the EGUs for recordkeeping and compliance purposes.

- a) Requirements for installation, certification, and data accounting. The owner or operator of each EGU shall:

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- 1) Install all monitoring systems required under this Section and Sections 225.250 through 225.290 of this Subpart for monitoring mercury mass emissions (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO₂ or O₂ concentration, as applicable, in accordance with 40 CFR 75.81 and 75.82).
 - 2) Successfully complete all certification tests required under Section 225.250 and meet all other requirements of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75 applicable to the monitoring systems required under subsection (a)(1) of this Section.
 - 3) Record, report, and quality-assure the data from the monitoring systems required under subsection (a)(1) of this Section.
 - 4) If the owner or operator elects to use the low mass emissions excepted monitoring methodology for an EGU that emits no more than 464 ounces (29 pounds) of mercury per year pursuant to 40 CFR 75.81(b), also perform emissions testing in accordance with 40 CFR 75.81(c) to demonstrate that the EGU is eligible to use this excepted emissions monitoring methodology, as well as comply with all other applicable requirements of 40 CFR 75.81(b) through (f), and submit a copy of any information required to be submitted to the USEPA under these provisions to the Illinois EPA. The initial emissions testing to demonstrate eligibility of an EGU for the low mass emissions excepted methodology shall be conducted by the following dates:
 - A) If the EGU has commenced commercial operation before July 1, 2008, at least by January 1, 2009, or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
 - B) If the EGU has commenced commercial operation on or after July 1, 2008, at least 45 days prior to the applicable date specified under subsection (b)(2) of this Section or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
- b) Emissions Monitoring Deadlines. The owner or operator shall meet the emissions monitoring system certification and other emissions monitoring requirements of

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subsections (a)(1) and (a)(2) of this Section on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the emissions monitoring systems required under subsection (a)(1) of this Section on and after the following dates:

- 1) For the owner or operator of an EGU that commences commercial operation before July 1, 2008, by January 1, 2009.
 - 2) For the owner or operator of an EGU that commences commercial operation on or after July 1, 2008, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the EGU commences commercial operation.
 - 3) For the owner or operator of an EGU for which construction of a new stack or flue or installation of add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, a fabric filter, or a compact hybrid particulate collector system is completed after the applicable deadline under subsection (b)(1) or (2) of this Section, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue, add-on mercury emissions controls, flue gas desulfurization system, selective catalytic reduction system, fabric filter, or compact hybrid particulate collector system.
- c) Reporting Data
- 1) Except as provided in subsection (c)(2) of this Section, the owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for mercury concentration, stack gas flow rate, stack gas moisture content, and any other parameters required to determine mercury mass emissions in accordance with 40 CFR 75.80(g).
 - 2) The owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b)(3) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and

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report substitute data using the applicable missing data procedures in 40 CFR 75.80(f), in lieu of the maximum potential (or, as appropriate, minimum potential) values for a parameter, if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation under subsection (b)(3) of this Section.

d) Prohibitions

- 1) No owner or operator of an EGU shall use any alternative emissions monitoring system, alternative reference method for measuring emissions, or any other alternative to the emissions monitoring and measurement requirements of this Section and Sections 225.250 through 225.290 of this Subpart, unless such alternative is promulgated by the USEPA and approved in writing by the Agency or the use of such alternative is approved in writing by the Agency and USEPA.
- 2) No owner or operator of an EGU shall operate the EGU so as to discharge, or allow to be discharged, mercury emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75.
- 3) No owner or operator of an EGU shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording mercury mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75.
- 4) No owner or operator of an EGU shall retire or permanently discontinue use of the continuous emission monitoring system or any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:
 - A) The owner or operator is monitoring emissions from the EGU with another certified monitoring system that has been approved, in accordance with the applicable provisions of this Section, Sections

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225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75, by the Agency for use at that EGU and that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

- B) The owner or operator or designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with Section 225.250(a)(3)(A) of this Subpart.
- e) Long-term Cold Storage
The owner or operator of an EGU that is in long-term cold storage is subject to the applicable provisions of 40 CFR 75 for monitoring, recordkeeping, and reporting for units in long-term cold storage.

Section 225.250 Initial Certification and Recertification Procedures for Emissions Monitoring

- a) The owner or operator of an EGU shall comply with the following initial certification and recertification procedures for a continuous emissions monitoring system (i.e., a continuous emission monitoring system or an excepted monitoring system (sorbet trap monitoring system) under 40 CFR 75.15) required by Section 225.240(a)(1). The owner or operator of an EGU that qualifies for, and for which the owner or operator elects to use, the low mass emissions excepted methodology under 40 CFR 75.81(b) shall comply with the procedures in subsection (c) of this Section.
 - 1) Requirements for Initial Certification. The owner or operator of an EGU shall ensure that, for each continuous emissions monitoring system required by Section 225.240(a)(1) of this Subpart (including the automated data acquisition and handling system), the owner or operator successfully completes all of the initial certification testing required under 40 CFR 75.80(d) by the applicable deadline in Section 225.240(b) of this Subpart. In addition, whenever the owner or operator of an EGU installs a monitoring system to meet the requirements of this Subpart in a location where no such monitoring system was previously installed, the owner or operator must successfully complete the initial certification requirements of 40 CFR 75.80(d).

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- 2) Requirements for Recertification. Whenever the owner or operator of an EGU makes a replacement, modification, or change in any certified continuous emission monitoring system, or an excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, and required by Section 225.240(a)(1) of this Subpart, that may significantly affect the ability of the system to accurately measure or record mercury mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR 75, the owner or operator of an EGU shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator of an EGU makes a replacement, modification, or change to the flue gas handling system or the EGU's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system, and each excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, whose accuracy is potentially affected by the change, all in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.
- 3) Approval Process for Initial Certification and Recertification. Subsections (a)(3)(A) through (D) of this Section apply to both initial certification and recertification of a continuous monitoring system required by Section 225.240(a)(1) of this Subpart. For recertifications, replace the words "certification" and "initial certification" with the word "recertification", replace the word "certified" with the word "recertified", and follow the procedures in 40 CFR 75.20(b)(5) in lieu of the procedures in subsection (a)(3)(E) of this Section.
 - A) Notification of Certification. The owner or operator shall submit to the Agency, USEPA Region 5, and the Administrator of the USEPA written notice of the dates of certification testing, in accordance with Section 225.270 of this Subpart.
 - B) Certification Application. The owner or operator shall submit to the Agency a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63.

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- C) **Provisional Certification Date.** The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under this Subpart for a period not to exceed 120 days after receipt by the Agency of the complete certification application for the monitoring system under subsection (a)(3)(B) of this Section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Agency does not invalidate the provisional certification by issuing a notice of disapproval within 120 days after the date of receipt by the Agency of the complete certification application.
- D) **Certification Application Approval Process.** The Agency will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days after receipt of the complete certification application required by subsection (a)(3)(B) of this Section. In the event the Agency does not issue such a notice within the 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR 75 and is included in the certification application will be deemed certified for use under this Subpart.
- i) **Approval Notice.** If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then the Agency will issue a written notice of approval of the certification application within 120 days after receipt.
- ii) **Incomplete Application Notice.** If the certification application is not complete, then the Agency will issue a written notice of incompleteness that sets a reasonable date by which the owner or operator must submit the additional information required to complete the certification application. If the owner or operator does not comply with the notice of incompleteness by the specified date, then the Agency may issue a notice of disapproval under subsection

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(a)(3)(D)(iii) of this Section. The 120-day review period shall not begin before receipt of a complete certification application.

- iii) Disapproval Notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR 75 or if the certification application is incomplete and the requirement for disapproval under subsection (a)(3)(D)(ii) of this Section is met, then the Agency will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Agency and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under 40 CFR 75.20(a)(3)). The owner or operator shall follow the procedures for loss of certification in subsection (a)(3)(E) of this Section for each monitoring system that is disapproved for initial certification.
 - iv) Audit Decertification. The Agency may issue a notice of disapproval of the certification status of a monitor in accordance with Section 225.260(b) of this Subpart.
- E) Procedures for Loss of Certification. If the Agency issues a notice of disapproval of a certification application under subsection (a)(3)(D)(iii) of this Section or a notice of disapproval of certification status under subsection (a)(3)(D)(iv) of this Section, then:
- i) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of EGU operation during the period of invalid data specified under 40 CFR 75.20(a)(4)(iii) or 75.21(e) and continuing until the applicable date and hour specified under 40 CFR 75.20(a)(5)(i). For a disapproved mercury pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of mercury and the maximum potential flow rate, as defined in

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Sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75. For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO₂ concentration or the minimum potential O₂ concentration (as applicable), as defined in Sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to 40 CFR 75. For a disapproved excepted monitoring system (sorber trap monitoring system) under 40 CFR 75.15 and disapproved flow monitor, respectively, the maximum potential concentration of mercury and maximum potential flow rate, as defined in Sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75.

- ii) The owner or operator shall submit a notification of certification retest dates and a new certification application in accordance with subsections (a)(3)(A) and (B) of this Section.
 - iii) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Agency's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.
- b) Exemption
- 1) If an emissions monitoring system has been previously certified in accordance with 40 CFR 75 and the applicable quality assurance and quality control requirements of 40 CFR 75.21 and appendix B to 40 CFR 75 are fully met, the monitoring system shall be exempt from the initial certification requirements of this Section.
 - 2) The recertification provisions of this Section shall apply to an emissions monitoring system required by Section 225.240(a)(1) of this Subpart exempt from initial certification requirements under subsection (a)(1) of this Section.
- c) Initial certification and recertification procedures for EGUs using the mercury low mass emissions excepted methodology under 40 CFR 75.81(b). The owner or

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operator of an EGU qualified to use the mercury low mass emissions excepted methodology under 40 CFR 75.81(b) shall meet the applicable certification and recertification requirements in 40 CFR 75.81(c) through (f).

- d) **Certification Applications.** The owner or operator of an EGU shall submit an application to the Agency within 45 days after completing all initial certification or recertification tests required under this Section, including the information required under 40 CFR 75.63.

Section 225.260 Out of Control Periods for Emission Monitors

- a) Whenever any emissions monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR 75, data shall be substituted using the applicable missing data procedures in subparts D and I of 40 CFR 75.
- b) **Audit Decertification.** Whenever both an audit of an emissions monitoring system and a review of the initial certification or recertification application reveal that any emissions monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement under Section 225.250 of this Subpart or the applicable provisions of 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Agency will issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this subsection, an audit shall be either a field audit or an audit of any information submitted to the Agency. By issuing the notice of disapproval, the Agency revokes prospectively the certification status of the emissions monitoring system. The data measured and recorded by the monitoring system shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in Section 225.250 of this Subpart for each disapproved monitoring system.

Section 225.261 Additional Requirements to Provide Heat Input Data

The owner or operator of an EGU that monitors and reports mercury mass emissions using a mercury concentration monitoring system and a flow monitoring system shall also monitor and report heat input rate at the EGU level using the procedures set forth in 40 CFR 75.

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Section 225.263 Monitoring of Gross Electrical Output

The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or using electrical output (O_i) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall monitor gross electrical output of the associated generator(s) in MWh on an hourly basis.

Section 225.265 Coal Analysis for Input Mercury Levels

- a) The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(2) or using input mercury levels (I_i) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall:
 - 1) Perform daily sampling of the coal combusted in the EGU for mercury content. The owner or operator of such EGU shall collect a minimum of one 2-lb grab sample per day of operation from the belt feeders anywhere between the crusher house or breaker building and the boiler. The sample shall be taken in such a manner so as to provide a representative mercury content for the coal burned on that day.
 - 2) Analyze the grab coal sample for the following:
 - A) Determine the heat content using ASTM D5865-04 or equivalent approved in writing by the Agency.
 - B) Determine the moisture content using ASTM D3173-03 or equivalent approved in writing by the Agency.
 - C) Measure the mercury content using ASTM D6414-01, ASTM D3684-01, or equivalent approved in writing by the Agency.
 - 3) The owner or operator of multiple EGUs at the same source using the same crusher house or breaker building may take one sample per crusher house or breaker building, rather than one per EGU.
 - 4) The owner or operator of an EGU shall use the data analyzed under subsection (b) of this Section to determine the mercury content in terms of lbs/trillion Btu.

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- b) The owner or operator of an EGU that must conduct sampling and analysis of coal pursuant to subsection (a) of this Section shall begin such activity by the following date:
 - 1) If the EGU is in daily service, at least 30 days before the start of the month for which such activity will be required.
 - 2) If the EGU is not in daily service, on the day that the EGU resumes operation.

Section 225.270 Notifications

The owner or operator of a source with one or more EGUs shall submit written notice to the Agency according to the provisions in 40 CFR 75.61 for each EGU or group of EGUs monitored at a common stack and each non-EGU monitored under 40 CFR 75.82(b)(2)(ii).

Section 225.290 Recordkeeping and Reporting

- a) General Provisions
 - 1) The owner or operator of an EGU and its designated representative shall comply with all applicable recordkeeping and reporting requirements in this Section and with all applicable recordkeeping and reporting requirements of 40 CFR 75.84.
 - 2) The owner or operator of an EGU shall maintain records for each month identifying the emission standard in Section 225.230(a) or 225.237(a) of this Section with which it is complying or that is applicable for the EGU and the following records related to the emissions of mercury that the EGU is allowed to emit:
 - A) For an EGU for which the owner or operator is complying with this Subpart by means of Section 225.230(a)(2) or 225.237(a)(1)(B) or using input mercury levels to determine the allowable emissions of the EGU, records of the daily mercury content of coal used (lbs/trillion Btu) and the daily and monthly input mercury (lbs), which shall be kept in the file required under 40 CFR 75.84(a).

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- B) For an EGU for which the owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or 225.237(a)(1)(A) or using electrical output to determine the allowable emissions of the EGU, records of the daily and monthly gross electrical output (GWh), which shall be kept in the file required under 40 CFR 75.84(a).
- 3) The owner or operator of an EGU shall maintain records of the following for each EGU:
 - A) Monthly emissions of mercury from the EGU.
 - B) For an EGU for which the owner or operator is complying by means of Section 225.230(b) or (d) of this Subpart, records of the monthly allowable emissions of mercury from the EGU.
 - 4) The owner or operator of an EGU that is participating in an Averaging Demonstration pursuant to Section 225.232 of this Subpart shall maintain records identifying all sources and EGUs covered by the Demonstration for each month and, within 60 days after the end of each calendar month, calculate and record the actual and allowable mercury emissions of the EGU for the month and the applicable 12-month rolling period.
 - 5) The owner or operator of an EGU shall maintain the following records related to quality assurance activities conducted for emissions monitoring systems:
 - A) The results of quarterly assessments conducted under Section 2.2 of appendix B of 40 CFR 75; and
 - B) Daily/weekly system integrity checks under Section 2.6 of appendix B of 40 CFR 75.
 - 6) The owner or operator of an EGU shall maintain an electronic copy of all electronic submittals to the USEPA under 40 CFR 75.84(f).
 - 7) The owner or operator of an EGU shall retain all records required by this Section at the source unless otherwise provided in the CAAPP permit issued for the source and shall make a copy of any record available to the Agency upon request.

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- b) Quarterly Reports. The owner or operator of a source with one or more EGUs shall submit quarterly reports to the Agency as follows:
- 1) These reports shall include the following information for operation of the EGUs during the quarter:
 - A) The total operating hours of each EGU and the mercury CEMS, as also reported in accordance with 40 CFR 75.
 - B) A discussion of any significant changes in the measures used to control emissions of mercury from the EGUs or the coal supply to the EGUs, including changes in the source of coal.
 - C) Summary information on the performance of the mercury CEMS. When the mercury CEMS was not inoperative, repaired, or adjusted, except for routine zero and span checks, this shall be stated in the report.
 - D) If the CEMS downtime was more than 5.0 percent of the total operating time for the EGU: the date and time identifying each period during which the CEMS was inoperative, except for routine zero and span checks; the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter; a listing of any days when a required daily calibration was not performed; and the date and duration of any periods when the CEMS was out-of-control as addressed by Section 225.260 of this Subpart.
 - 2) The owner or operator shall submit each quarterly report to the Agency within 45 days following the end of the calendar quarter covered by the report.
- c) Compliance Certification. The owner or operator of a source with one or more EGUs shall submit to the Agency a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the EGUs' emissions are correctly and fully monitored. The certification shall state:

POLLUTION CONTROL BOARD

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- 1) That the monitoring data submitted were recorded in accordance with the applicable requirements of this Section 225.290 and Sections 225.240 through 225.270 of this Subpart, and 40 CFR 75, including the quality assurance procedures and specifications; and
- 2) For an EGU with add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system and for all hours where mercury data are substituted in accordance with 40 CFR 75.34(a)(1):
 - A) That:
 - i) The mercury add-on emission controls, flue gas desulfurization system, selective catalytic reduction system, or compact hybrid particulate collector system was operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR 75; or
 - ii) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO₂ emission data recorded in accordance with 40 CFR 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO_x emission data recorded in accordance with 40 CFR 75 document that the selective catalytic reduction system was operating properly, as applicable; and
 - B) The substitute data values do not systematically underestimate mercury emissions.
- d) Annual Certification of Compliance
 - 1) The owner or operator of a source with one or more EGUs subject to this Subpart shall submit to the Agency an Annual Certification of Compliance with this Subpart no later than May 1 of each year and shall address compliance for the previous calendar year. Such certification shall be submitted to the Agency, Air Compliance and Enforcement Section, and the Air Regional Field Office.

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- 2) Annual Certifications of Compliance shall indicate whether compliance existed for each EGU for each month in the year covered by the Certification and certification to that effect. In addition, for each EGU, the owner or operator shall provide the following:
 - A) If complying with this Subpart by means of Section 225.230(a)(1)(A) or 225.237(a)(1)(A):
 - i) Actual emissions rate, in lb/GWh, for each 12-month rolling period ending in the year covered by the Certification;
 - ii) Actual emissions, in lbs, and gross electrical output, in GWh, for each 12-month rolling period ending in the year covered by the Certification; and
 - iii) Actual emissions, in lbs, and gross electrical output, in GWh, for each month in the year covered by the Certification and in the previous year.
 - B) If complying with this Subpart by means of Section 225.230(a)(1)(B) or 225.237(a)(1)(B):
 - i) Actual control efficiency for emissions for each 12-month rolling period ending in the year covered by the Certification, expressed as a percent;
 - ii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each 12-month rolling period ending in the year covered by the Certification; and
 - iii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each month in the year covered by the Certification and in the previous year.
 - C) If complying with this Subpart by means of Section 225.230(b):
 - i) Actual emissions and allowable emissions for each 12-month rolling period ending in the year covered by the Certification; and

POLLUTION CONTROL BOARD

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- ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- D) If complying with this Subpart by means of Section 225.230(d):
- i) Actual emissions and allowable emissions for all EGUs at the source for each 12-month rolling period ending in the year covered by the Certification; and
 - ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- E) If complying with this Subpart by means of Section 225.232:
- i) Actual emissions and allowable emissions for all EGUs at the source in an Averaging Demonstration for each 12-month rolling period ending in the year covered by the Certification; and
 - ii) Actual emissions and allowable emissions, with the standard of compliance the owner or operator was utilizing for each EGU at the source in an Averaging Demonstration for each month for all EGUs at the source in an Averaging Demonstration in the year covered by the Certification and in the previous year.
- F) Any deviations, data substitutions, or exceptions each month and discussion of the reasons for such deviations, data substitutions, or exceptions.
- 3) All Annual Certifications of Compliance required to be submitted shall include the following certification by a responsible official:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

POLLUTION CONTROL BOARD

NOTICE OF CORRECTION TO PROPOSED RULES

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 4) The owner or operator of an EGU shall submit its first Annual Certification of Compliance to address calendar year 2009 or the calendar year in which the EGU commences commercial operation, whichever is later. Notwithstanding subsection (d)(2) of this Section, in the Annual Certifications of Compliance that are required to be submitted by May 1, 2010 and May 1, 2011 to address calendar years 2009 and 2010, respectively, the owner or operator is not required to provide 12-month rolling data for any period that ends before June 30, 2010.
- e) Deviation Reports. For each EGU, the owner or operator shall promptly notify the Agency of deviations from requirements of this Subpart. At a minimum, these notifications shall include a description of such deviations within 30 days after discovery of the deviations, and a discussion of the possible cause of such deviations, any corrective actions, and any preventative measures taken.
- f) Quality Assurance RATA Reports. The owner or operator of an EGU shall submit to the Agency, Air Compliance and Enforcement Section, the quality assurance RATA report for each EGU or group of EGUs monitored at a common stack and each non-EGU under 40 CFR 75.82(b)(2)(ii) within 45 days after completing a quality assurance RATA.

Section 225.295 Treatment of Mercury Allowances

Any mercury allowances allocated to the Agency by the USEPA shall be treated as follows:

- a) No such allowances shall be allocated to any owner or operator of an EGU or other sources of mercury emissions into the atmosphere or discharges into the waters of the State.
- b) The Agency shall hold all allowances allocated by the USEPA to the State. At the end of each calendar year, the Agency shall instruct the USEPA to retire permanently all such allowances.

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 May 16, 2006 through May 22, 2006 and have been scheduled for review by the Committee at its June 13, 2006 meeting in Chicago. 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>
6/29/06	<u>Teachers' Retirement System</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	3/31/06 30 Ill. Reg. 6003	6/13/06
7/1/06	<u>Department of Central Management Services</u> , Standard Procurement (44 Ill. Adm. Code 1)	3/17/06 30 Ill. Reg. 4203	6/13/06
7/1/06	<u>Department of Natural Resources</u> , General Hunting and Trapping on Department-Owned or –Managed Sites (17 Ill. Adm. Code 510)	3/31/06 30 Ill. Reg. 5803	6/13/06
7/1/06	<u>Department of Natural Resources</u> , Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)	3/31/06 30 Ill. Reg. 5810	6/13/06
7/1/06	<u>Department of Natural Resources</u> , Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	3/31/06 30 Ill. Reg. 5820	6/13/06
7/1/06	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	3/31/06 30 Ill. Reg. 5858	6/13/06
7/1/06	<u>Department of Natural Resources</u> , Youth	3/31/06	6/13/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Hunting Seasons (17 Ill. Adm. Code 685)	30 Ill. Reg. 5899	
7/1/06	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	3/31/06 30 Ill. Reg. 5906	6/13/06
7/1/06	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	3/31/06 30 Ill. Reg. 5917	6/13/06
7/1/06	<u>Department of Natural Resources</u> , Dove Hunting (17 Ill. Adm. Code 730)	3/31/06 30 Ill. Reg. 5928	6/13/06
7/1/06	<u>Department of Natural Resources</u> , Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)	3/31/06 30 Ill. Reg. 5944	6/13/06
7/2/06	<u>Department of Central Management Services</u> , State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120)	3/31/06 30 Ill. Reg. 5741	6/13/06
7/2/06	<u>Department of Public Health</u> , Employee Blood Donation Leave Code (77 Ill. Adm. Code 985)	1/20/06 30 Ill. Reg. 778	6/13/06
7/2/06	<u>Department of Public Health</u> , Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)	2/24/06 30 Ill. Reg. 2472	6/13/06

PROCLAMATIONS

2006-190**NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH**

WHEREAS, emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia; and

WHEREAS, much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence; and

WHEREAS, the independence movements in many countries in the Caribbean during the 1960's and the consequential establishment of independent democratic countries in Caribbean strengthened ties between the region and the United States; and

WHEREAS, Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean; as also were Jean Baptiste Point du Sable, the pioneer settler of Chicago, Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President, and Celia Cruz, the world renowned queen of salsa music; and

WHEREAS, the many other influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, a Bahamian-American who was the first actor of African descent to receive the Academy Award for best actor in a leading role; Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, a meteorologist and television personality; and

WHEREAS, Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States; and

WHEREAS, Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States; and

WHEREAS, the people of the Caribbean region share the hopes and aspirations of the people of the State of Illinois, and the United States, for peace and prosperity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2006 as **NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH** in Illinois, and encourage all citizens to learn about the wonderful contributions that Caribbean-Americans have made to our state, and to the nation as a whole.

PROCLAMATIONS

Issued by the Governor May 16, 2006.
Filed by the Secretary of State May 16, 2006.

2006-191**NATIONAL WATER SAFETY WEEK**

- WHEREAS, water safety education plays a vital role in preventing drownings and recreational water-related injuries; and
- WHEREAS, by taking proactive steps learned through water-safety education, people can ensure healthy practices when enjoying water recreation. These healthy practices, for example, can prevent water-borne illnesses; and
- WHEREAS, trained and certified aquatics professionals who develop water-safety rules allow for water recreation activities to be both fun and safe at the same time; and
- WHEREAS, the safest aquatic recreational activities are in treated-water facilities; and
- WHEREAS, effective water-safety programs are one of the best ways to prevent water-related injuries and drownings:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4 – 10, 2006 as **NATIONAL WATER SAFETY WEEK** in Illinois, and encourage all citizens to support and promote the importance of practicing safety in water recreation.

Issued by the Governor May 16, 2006.
Filed by the Secretary of State May 16, 2006.

2006-192**CHICAGO SHRINERS HOSPITAL DAY**

- WHEREAS, the Shriners Hospitals for Children is a network of pediatric specialty hospitals, founded by the Shrine, where children under the age of 18 receive excellent medical care absolutely free of charge; and
- WHEREAS, there are 18 orthopaedic Shriners Hospitals, three Shriners Hospitals dedicated to treating children with severe burns, and one Shriners Hospital that provides orthopaedic, burn, and spinal cord injury care. Shriners Hospitals are located throughout North America — 20 in the United States and one each in Mexico and Canada. These "Centers of Excellence" serve as major referral centers for children with complex orthopaedic and burn problems; and

PROCLAMATIONS

WHEREAS, since its inception 80 years ago, the Chicago Shriners Hospital is a leading Midwest children's hospital providing high quality pediatric orthopaedic surgery, plastic, reconstructive and craniofacial surgery, and spinal cord injury care. Located on the northwest side of Chicago, the hospital is a short term, 60-bed facility that combines quality medical care with innovative education and research; and

WHEREAS, Shriners Hospitals are open to all children without regard to race, religion or relationship to a Shriner. Although the care is the very best, it is policy never to charge a patient or parent for any medical care or services provided at a Shriners Hospital. A child may be eligible for care at any one of the 22 Shriners Hospitals for Children if: the child is under the age of 18 and there is a reasonable possibility the child's condition can be treated at the Shriners Hospital; and

WHEREAS, to refer a child to the Shriners Hospital for Children in Chicago or to obtain an application, you may call: Chicago Shriners Hospital's Admissions department at 773-385-5482 or 888-385-0161 (toll-free) or any Shriner or Shrine Temple; and

WHEREAS, this year, the Chicago Shriners Hospital is celebrating their 80th anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4, 2006 as **CHICAGO SHRINERS HOSPITAL DAY** in Illinois, and encourage all citizens to join in this worthy observance of a lasting tradition that is providing medical care for children.

Issued by the Governor May 16, 2006.

Filed by the Secretary of State May 16, 2006.

2006-193**VILLAGE OF SAVOY MONTH**

WHEREAS, the Village of Savoy is celebrating its 50th anniversary in May 2006; and

WHEREAS, in 1955, fire services to Savoy and other rural areas was terminated; and

WHEREAS, a few Savoy residents decided to petition for Savoy to incorporate, in order to create their own Fire Department; and

WHEREAS, after a lot of time spent and hard work done by John Jones and other men, a time was set for the first election to decide if Savoy should incorporate; and

PROCLAMATIONS

WHEREAS, on April 7, 1956, the first election to decide to incorporate was held and won only by 1 vote. On May 2, 1956, the count was contested and on May 28, 1956, the suit action waited for a second count, but the numbers did not change; and

WHEREAS, on May 28, 1956, the Village was officially incorporated; and

WHEREAS, on June 3, 1956, the first Board of Trustees of the Village of Savoy was organized. John Jones was elected the first President. The first Trustees were Kenneth Fisher, James Trover, Vernon Brown, James Johnson, Henry Lawson, and Willard Koss. James Corwin was the first Treasurer and Bernard Grussing was the first Clerk. The Village had a yearly budget of \$600 covering the period of April 1956 to April 1957; and

WHEREAS, the State of Illinois is proud to recognize the Village of Savoy and its residents on the occasion of the 50th anniversary of its founding:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **VILLAGE OF SAVOY MONTH** in Illinois, in honor of this village's 50th anniversary.

Issued by the Governor May 16, 2006.

Filed by the Secretary of State May 16, 2006.

2006-194**SOUTH SIDE HELP CENTER DAY**

WHEREAS, the South Side Help Center is a not-for-profit social service agency established in 1987 that serves the entire city of Chicago and its suburbs; and

WHEREAS, the mission of the South Side Help Center is to provide community residents with prevention and intervention services to empower them with life-saving information and develop social interaction skills of youth through positive and constructive activities; and

WHEREAS, the South Side Help Center is committed to preparing children, teens, and young adults to make positive health and life choices by providing a plethora of free services that address specific, critical risks of inner-city youths; and

WHEREAS, the South Side Help Center has provided numerous programs such as: substance abuse prevention, HIV/AIDS education and risk prevention, mentoring, case management, and mental health; and

PROCLAMATIONS

WHEREAS, the South Side Help Center will hold its annual fundraiser and award ceremony on June 8, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 8, 2006 as **SOUTH SIDE HELP CENTER DAY** in Illinois, and encourage the people of Illinois to recognize the difficulties that many families go through and offer their support in prolonging a service that is fundamental to the healthy growth of humanity.

Issued by the Governor May 16, 2006.

Filed by the Secretary of State May 16, 2006.

2006-195**In Recognition of Margene Pappas**

WHEREAS, Margene Pappas has been a music teacher for 37 years for both the junior high and high school levels in Oswego Community Unit School District 308; and

WHEREAS, Mrs. Pappas received her B.S. and M.S. in Music Education from the University of Arizona and VanderCook College of Music; and

WHEREAS, Mrs. Pappas' professional associations include the NBA (Board of Directors 1994-96 as a middle school representative and 2000-2004 as a high school representative), ASBDA, Phi Beta Mu, MENC, IMEA, and she is on the advisory board for the BOA National Concert Band Festival; and

WHEREAS, bands under her direction have performed and consistently received superior ratings at The Midwest Clinic, the Bands of American National Concert Band Festival, the ASBDA National Convention, the IMEA All-State Conference, and the University of Illinois Superstate Band Festival; in addition, the high school bands have earned grand championships and sweepstakes awards from the Outback Bowl Music Festival, the Dixie Classic, and Musicfest Orlando (three times); and

WHEREAS, Mrs. Pappas' honors include the John Philip Sousa Foundation Sudler Legion of Honor Award, the Illinois Chapter Phi Beta Mu Hall of Fame, the NBDA Citation of Excellence, the 2000 Studs Terkel Humanities Council Award, the Chicago Outstanding Music Educator Award, the Illinois State Board of Education Award of Recognition for "Those Who Excel in Education", and the Illinois Grade School Music Association Cloyd Myers Memorial Award for Excellence in Music Education; and

PROCLAMATIONS

WHEREAS, in 1999, she was featured in THE INSTRUMENTALIST Magazine and was a recipient of the "Mr. Holland's Opus" Award; in 2002, she was recognized by S30 Magazine to represent Illinois as one of "50 Band Directors Who Make a Difference"; the Ledger-Sentinel, Oswego's weekly newspaper, selected Mrs. Pappas as one of the 50 most influential people of the century in Oswego; and

WHEREAS, after 37 years of service in the field of music education, Margene Pappas, a native of Champaign and the current Director of Bands at Oswego High School, is retiring:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend Mrs. Margene Pappas for her tireless commitment and service to the music education field, and I encourage all citizens to join in acknowledging the great career of this dedicated educator.

Issued by the Governor on May 17, 2006.

Filed by the Secretary of State May 19, 2006.

2006-196
HAITIAN FLAG DAY

WHEREAS, the state of Illinois is proud of its diversity and recognizes the value it brings to our communities; and

WHEREAS, as is evidenced by the famous Haitian citizen, Jean Baptiste Point Du Sable, who established the first permanent settlement in the city of Chicago in 1779, the country of Haiti, its citizens and Haitian-Americans have played an important role in the history of our state and our nation; and

WHEREAS, the flag of the Republic of Haiti was adopted on May 18, 1803; and

WHEREAS, Haiti had been colony of France since 1697, but the people rebelled in 1803 and Haiti achieved independence on January 1, 1804; and

WHEREAS, the Haitian flag is a red and blue bicolor; for state occasions, the Arms of Haiti are added to the center of the flag on a white background. The colors red and blue were chosen from the French flag. The Haitian arms depict a royal palm in the center topped with a red and blue cap of liberty. There are also six blue and red flags, two smaller red banners on the sides, many weapons, a drum, an anchor, green grass, and a white banner reading, "L'UNION FAIT LA FORCE," meaning "Union is Strength"; and

PROCLAMATIONS

WHEREAS, this year, Haitians from around the world celebrate the national flag as symbol of pride:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2006 as **HAITIAN FLAG DAY** in Illinois.

Issued by the Governor on May 17, 2006.

Filed by the Secretary of State May 19, 2006.

2006 -197**NATIONAL SAFE BOATING WEEK**

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, between 1993 - 2005, the State of Illinois registered 4,521,660 recreational boats. During these years 1,783 boating accidents were reported that resulted in 230 fatalities and 1,117 injuries; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20 - 26, 2006 as **NATIONAL SAFE BOATING WEEK** in Illinois, and encourage all citizens to practice safe boating.

Issued by the Governor on May 18, 2006.

Filed by the Secretary of State May 19, 2006.

2006-198**ELDER ABUSE AWARENESS MONTH**

WHEREAS, according to the Illinois Department on Aging, between four and five percent of persons in the United States aged sixty and older are subject to some form of mistreatment or abuse. This includes physical, emotional, and sexual abuse, as well as financial exploitation, neglect, and abandonment; and

PROCLAMATIONS

WHEREAS, Illinois has approximately two million citizens over the age of sixty. This means that there could be as many as 90,000 Illinois seniors currently suffering from some form of abuse; and

WHEREAS, here in Illinois, it is the mission of the Illinois Department on Aging and its network of service providers to increase public awareness of this plight against our most vulnerable elderly, and to promote increased reporting of elder abuse; and

WHEREAS, it is essential that the citizens of Illinois recognize the signs of abuse, neglect, and exploitation and report suspicions of abuse; and

WHEREAS, it is important that we, as a state and as a country, work to create greater awareness of the prevalence and severity of elder abuse, in hopes of eradicating it from our society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2006 as **ELDER ABUSE AWARENESS MONTH** in Illinois, and encourage all citizens to recognize this problem and join in working toward its prevention.

Issued by the Governor on May 19, 2006.

Filed by the Secretary of State May 19, 2006.

2006-199**LET'S TALK, LET'S TEST FOUNDATION "I NEED YOU TO SURVIVE" DAY**

WHEREAS, established in 2002 by Illinois State Representative Constance A. "Connie" Howard, State Senator Kimberly Lightford, Mr. Lloyd Kelly, and with the unwavering support of the Illinois Legislative Black Caucus, Congressman Danny Davis, Alderman Freddrenna Lyle, Clerk of the Circuit Court, Dorothy Brown, and Cook County Commissioner Bobbie Steele, the mission of the LET'S TALK, LET'S TEST FOUNDATION (LTLTF) is to raise awareness of the devastating impact of HIV/AIDS on the African-American community; and

WHEREAS, according to the Center for Disease Control and Prevention's latest numbers, African-Americans make up 12 percent of the United States population, but they account for 50% of all new HIV/AIDS diagnoses; and

WHEREAS, the CDC reports that HIV/AIDS is among the top 3 causes of death for African-American men aged 25-54 years and among the top 4 causes of death for African-American women in the same age group. According to the CDC, HIV/AIDS is

PROCLAMATIONS

the number one cause of death for African-American women aged 25-34 years;
and

WHEREAS, the State of Illinois joins the LTLTF in hopes of keeping HIV/AIDS at the forefront of consciousness in our nation; and

WHEREAS, this year, the Illinois General Assembly passed and today I will sign Senate Bill 1001, creating the Illinois African American HIV/AIDS Response Fund, which will provide for the prevention of HIV transmission in this state; and

WHEREAS, on May 20, 2006, the annual signature event, "I Need You To Survive" African American HIV/AIDS Walk, Run, and Bike Ride, will offer free health screenings, fun and games for adults and children, food, vendors, and a concluding R&B hip-hop concert:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2006 as **LET'S TALK, LET'S TEST FOUNDATION "I NEED YOU TO SURVIVE" DAY** in Illinois, and encourage all citizens to raise their awareness of the devastating impact of HIV/AIDS, and join in the struggle to halt the spread of this disease.

Issued by the Governor on May 19, 2006.

Filed by the Secretary of State May 19, 2006.

ILLINOIS ADMINISTRATIVE CODE

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