

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
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10	February 25, 2008	March 7, 2008
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14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
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34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
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37	September 2, 2008	September 12, 2008
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40	September 22, 2008	October 3, 2008
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42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
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46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
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52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: No
- B) Reporting, bookkeeping or other procedures required for compliance: No
- C) Types of professional skills necessary for compliance: Medical skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

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1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
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1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
<u>1285.336</u>	<u>Use of Lasers</u>
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 32 Ill. Reg. _____, effective _____.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section 1285.336 Use of Lasers

- a) The use of a light emitting device, including, but not limited to, lasers required to be registered with the Illinois Emergency Management Agency, Division of Nuclear Safety, under 32 Ill. Adm. Code 315, intense pulsed-light, radiofrequency and medical microwave devices used for the treatment of dermatologic conditions or cosmetic procedures that disrupt living tissue is considered to be the practice of medicine, which shall only be performed by a physician licensed to practice medicine in all of its branches. A physician licensed to practice medicine in all of its branches may delegate the performance of these procedures to a licensed practical nurse, a registered professional nurse or other persons, with on-site supervision of the physician. The supervising physician must examine the patient and determine a course of treatment appropriate to the patient before any such procedure is performed. A licensed practical nurse, registered professional nurse or other person delegated the authority to perform these procedures must have received appropriate, documented training and education in the safe and effective use of each system.
- b) Nothing in this Section shall be deemed or construed to prevent any person licensed in this State under the Illinois Dental Practice Act as a dentist, the Podiatric Medical Practice Act of 1987, the Nurse Practice Act as an advanced practice nurse, or the Physician Assistant Practice Act of 1987 from engaging in the practice for which he or she is licensed.

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Account Wagering
- 2) Code Citation: 11 Ill. Adm. Code 321
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
321.10	Amend
321.20	Amend
321.40	Amend
321.80	Amend
321.90	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking would update the account wagering rule and make it more compatible with the current totalisator technology currently being offered. The Gift Card Act, effective January 2008, creates a need to modify the retention of dormant accounts to 5 years. The 5 year dormancy period will take effect on all account wagering venues.

This proposal would legalize anonymous cash cards where patrons are not required to provide information such as their name, address, or social security number. When IRS information is needed, the patron will provide it at the time of cashing.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

312/814-5017

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 321
ACCOUNT WAGERING

Section	
321.10	General
321.20	Account Opening
321.30	Refusals
321.40	Patron Information
321.50	Deposits
321.60	Sufficient Account Balance
321.70	Account Credits
321.80	Account Operation
321.90	Account Closure

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

SOURCE: Adopted at 20 Ill. Reg. 5878, effective April 15, 1996; amended at 24 Ill. Reg. 7382, effective May 1, 2000; amended at 32 Ill. Reg. _____, effective _____.

Section 321.10 General

- a) A licensee may offer a system of account wagering to its patrons whereby wagers are debited and payouts are credited to a sum, deposited in an account by the patron, and held by the licensee. The licensee shall request authorization from the State Director of Mutuels before a system of account wagering is offered.
- b) The licensee shall notify the patron, at the time of opening the account, of any rules the licensee has made concerning deposits, withdrawals, cancellations, average daily balance, user fees, interest payments, provisions for closing accounts and any other aspect of the operation of the account. The licensee shall notify the State Director of Mutuels and the patron whenever rules governing the account are changed, such notification occurring before the new rules are applied to the account and including the opportunity for the patron to close or cash in the

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

account. ~~The patron shall be deemed to have accepted the rules of account operations upon signature approval. Failure to accept such new rules shall result in closure of the account.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 321.20 Account Opening

- a) The licensee may offer to open for its patrons:
- 1) daily, anonymous accounts, where balances are purged at the end of the day and any remaining balance is available as a voucher;~~short term accounts that are operational only for the performance(s) during which they were opened and only at the site where they were opened, through which wagers are placed by the account holder at a self-service terminal;~~
 - 2) permanent, named accounts that remain open at the end of the day, and that require the patron to provide all pertinent data;~~long term accounts that are operational for all performances offered by the licensee, through which wagers are placed by the account holder at a self-service terminal operated by the licensee's totalizator operator; and~~
 - 3) permanent, anonymous accounts (i.e., the new type of Cash Card account) that remain open at the end of the day, and for which no customer data is known; and voucher accounts that are operational for any performance offered by the licensee, through which wagers are placed by the account holder at any ticket issuing terminal operated by the licensee's totalizator operator.
 - 4) voucher accounts, where the patron cashes a winning ticket and has the winnings placed on a voucher in lieu of cash. A voucher is the same as cash but payouts are not automatically credited to a sum.
- b) The patron may choose to credit winning payouts in cash and may choose to close or cash-in the account at any time.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 321.40 Patron Information

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NOTICE OF PROPOSED AMENDMENTS

Each ~~named~~~~short term or long term~~ account holder shall provide such personal information as the licensee and the State Director of Mutuels require, including an address to which communications are to be delivered. The licensee shall provide, for each ~~short term or long term~~ account holder, a confidential account number and password to be used by the patron to confirm validity of every account transaction.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 321.80 Account Operation

- a) The licensee shall maintain complete records of every deposit, withdrawal, wager, cancellation and winning payout for each ~~short term and long term~~ account. Voucher accounts shall be recorded in a manner similar to a ticket. These records shall be made available to the Board upon request. The Board shall request the records when there is probable cause for such a request. Examples of instances when probable cause exists include, but are not limited to, allegations of race-fixing or wagering schemes.
- b) Any account wagering system shall provide for the account holder's review and finalization of a wager before it is accepted by the licensee.
- c) Cancellation of wagers ~~placed through short or long term accounts~~ shall be permitted at unmanned wagering terminals. ~~Wagers placed through voucher accounts shall be permitted only at manned wagering terminals.~~ Any cancellation of wager shall conform to the provisions of 11 Ill. Adm. Code 433.120. Licensees shall review wagering accounts daily to monitor for compliance. Violations shall be reported to the State Director of Mutuels within 48 hours after the occurrence.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 321.90 Account Closure

The licensee may close any account when the holder thereof attempts to operate with an insufficient balance or when the account is dormant for a period ~~pursuant to established by the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2SS], that is 5 years after the date of issuance~~ licensee. In either case, the licensee shall refund the remaining balance of the account whenever possible.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
324.10	New Section
324.20	New Section
324.30	New Section
324.40	New Section
324.50	New Section
324.60	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking creates a new wager in which bettors are required to properly select the first 5 finishers in a race in exact order. This proposal is similar to a Superfecta except you must correctly select the first 5 finishers rather than the first 4 finishers.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Suite 7-701
Chicago, Illinois 60601

312/814-5017

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 324
PENTAFECTA

Section

324.10	Pentafecta
324.20	Pool Distribution
324.30	Scratches
324.40	Dead Heats
324.50	Minimum Fields
324.60	Entries

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

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 324.10 Pentafecta

- a) The Pentafecta requires selection of the first five finishers, in their exact order, for a single contest.
- b) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name that will be used.

Section 324.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with subsection (a), (b) or (c). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b) or subsection (c), including the exact percentages it will use to determine the minor and major pools if subsection (b) is used. The racing program shall indicate when the method described in subsection (b) or subsection (c) is being used for a meet.

- a) Distribution of Winnings - Option 1

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- 1) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first four betting interests, but if there are no such wagers, then
 - 3) As a single price pool to those whose combination included, in correct sequence, the first three betting interests, but if there are no such wagers, then
 - 4) As a single price pool to those whose combination included, in correct sequence, the first two betting interests, but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the first place betting interest only, but if there are no such wagers, then
 - 6) The entire pool shall be refunded on Pentafecta wagers for that contest.
- b) Distribution of Winnings - Option 2
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first four betting interests, but if there are no such wagers, then

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- C) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first three interests, but if there are no such wagers, then
 - D) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first two interests, but if there are no such wagers, then
 - E) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first betting interest, but if there are no such wagers, then
 - F) The entire net pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- c) Distribution of Winnings - Option 3
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The entire net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race.
 - 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- d) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under either subsection (b) or subsection (c), any previous Pentafecta

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contest's carryover will not be included in the payoff and will be retained for the next contest's carryover, and this contest's net Pentafecta pool will be distributed using the method described in subsection (a).

Section 324.30 Scratches

In the event any contestant that is not part of an entry or field is scratched, all wagers, including the scratched betting interest, shall be refunded.

Section 324.40 Dead Heats

- a) If there is a dead heat for first involving:
 - 1) contestants representing five or more betting interests, all of the wagering combinations selecting five betting interests that correspond with any of the betting interests involved in the dead heat shall share in a profit split.
 - 2) contestants representing four betting interests, all of the wagering combinations selecting the four dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
 - 3) contestants representing three betting interests, all of the wagering combinations selecting the three dead heated betting interests, irrespective of order, along with the fourth place and fifth place betting interests shall share in a profit split.
 - 4) contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the third place, fourth place and fifth place betting interests shall share in a profit split.
- b) If there is a dead heat for second involving:
 - 1) contestants representing four or more betting interests, all of the wagering combinations correctly selecting shall share in a profit split.
 - 2) contestants representing three betting interests, all of the wagering combinations correctly selecting the three dead heated betting interests,

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irrespective of order, and the fifth place betting interests shall share in a profit split.

- 3) contestants representing two betting interests, all of the wagering combinations correctly selecting the two dead heated betting interests, irrespective of order, and the fourth place and fifth place betting interests shall share in a profit split.
- c) If there is a dead heat for third involving:
- 1) contestants representing three or more betting interests, all of the wagering combinations correctly selecting shall share in a profit split.
 - 2) contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
- d) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth shall share in a profit split.
- e) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.

Section 324.50 Minimum Fields

- a) Pentafecta wagering shall not be scheduled on a race unless at least eight betting interests are carded. In the event of a scratch, Pentafecta wagering on a race in which seven betting interests remain is permissible, provided there are no uncoupled entries.
- b) This Section shall not be applicable to stakes races.

Section 324.60 Entries

- a) Entries, either coupled or uncoupled, shall be allowed in a Pentafecta race under the following conditions:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) one entry requires at least eight betting interests at the start of the race, except, in the event of a scratch, Section 324.30 applies.
 - 2) two entries requires at least nine betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Stewards.
- b) For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - c) For stakes races with a minimum purse of \$100,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - d) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510
CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 510.250 Claiming Price

- a) For a period of 30 days after the claim, a thoroughbred is eligible to run back for the same claiming price or higher. ~~For a period of 30 days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed.~~
- b) This Section shall not apply to starter handicap races.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: 1413.140 Proposed Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking removes the right to declare out without a medical reason. The petitioner, Arlington Park, claims that with the installation of the synthetic racing surface, the effects of weather on the racing surface is no longer a basis to scratch a horse from a race. Under the proposal, scratches may only be made when a note from a veterinarian establishes a medical reason to excuse the horse from the race. This proposal would not apply to races moved off the turf.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

312/814-5017

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 1413
ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1413.140 Right to Declare Out

- a) In purse races and overnight handicaps ~~with more than nine interests~~, owners shall ~~not~~ have the right to declare out ~~to that number~~ before the time stipulated by the regulations of the operator on the day of the race. ~~When more than one owner expresses the desire to declare out, the right to declare out shall be determined by~~

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~~lot.~~ Declarations ~~below nine interests~~ may only be made by permission of the Stewards when a note from the veterinarian licensed by the Board establishes a medical reason to excuse the horse from the race. The also eligibles shall have the preference to scratch over regularly carded horses. In purse races and overnight handicaps moved off the turf with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards.

- b) Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
130.120	Amendment
- 4) Statutory Authority: 35 ILCS 120/2-5, P.A. 95-233 and P.A. 95-707
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking describes the time periods for which the exemption is allowed for retailers of certain motor vehicles that are to be used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act. This exemption in the Retailers' Occupation Tax Act was repealed by P.A. 95-233 and reinstated by P.A. 95-707. P.A. 95-233 became effective on August 16, 2007. The Department administered the repeal of the exemption beginning on September 1, 2007 to allow retailers sufficient time to become aware of the repeal of the exemption. P.A. 95-707 became effective on January 11, 2008. The Department began administering the reinstatement of the exemption on that date.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect: No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.2165	Amendment	31 Ill. Reg. 15950; November 30, 2007
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Terry D. Charlton
Senior Counsel, Sales and Excise Taxes
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All sizes of retailers of automobiles and other vehicles that are purchased for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act will be provided notice of the repeal and reinstatement of this exemption.
 - B) Reporting, bookkeeping or other procedures required for compliance: Minimal reporting is required to claim the exemption by a retailer. Retailers check a box and list the buyer's Illinois Business Tax registration number on Form ST-556 to claim the exemption.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

	Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period

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NOTICE OF PROPOSED AMENDMENT

130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART I: PENALTIES AND INTEREST

Section

- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

- 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

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NOTICE OF PROPOSED AMENDMENT

- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number – When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns Are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property –

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NOTICE OF PROPOSED AMENDMENT

	Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps and Discount Coupons
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians

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NOTICE OF PROPOSED AMENDMENT

130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987;

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amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003,

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for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 130.120 Nontaxable Transactions

The tax does not apply to receipts from sales:

- a) of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;
- b) of real property, such as lands and buildings that are permanently attached to the land;
- c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives the number to the vendor in connection with certifying to the vendor that the sale to the purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);
- e) that are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);

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- f) that are isolated or occasional (see Section 130.110 of this Subpart);
- g) of newspapers and magazines (see Section 130.2105 of this Part);
- h) that are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this subsection only if the limited liability company is organized and operated exclusively for educational purposes (see Section 130.2005 of this Part);
- i) that are made to any governmental body (see Section 130.2080 of this Part);
- j) through June 30, 2003, of pollution control facilities (see Section 130.335 of this Part);
- k) *of fuel consumed or used in the operation of ships, barges or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon that bordering river [35 ILCS 120/2-5(24)]* (see Section 130.315 of this Part);
- l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
- m) except as otherwise provided in Section 130.605(b)(1)(A), of a motor vehicle in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state (see Section 130.605);
- n) until December 31, 2001, of merchandise in bulk when sold from a vending machine for 1¢; on and after January 1, 2002, the exemption applies to merchandise in bulk when sold from a vending machine for 50¢ or less (see 35 ILCS 120/1 and Section 130.2135 of this Part);

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- o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (42 USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
- p) of farm chemicals (see Section 130.1955 of this Part);
- q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
- r) of services included in gross receipts for purposes of the Retailers' Occupation Tax and that are designated mandatory service charges by vendors of meals to the extent that the proceeds of the service charge are in fact turned over to the employees who would normally have received tips had the service charge policy not been introduced. Service charges that are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;
- s) *of any petroleum product, if the seller is prohibited by federal law from charging tax to the purchaser* [35 ILCS 120/2-5(16)].
 - 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
 - 2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;
- t) *of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including*

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machinery and equipment purchased for lease [35 ILCS 120/2-5(2)] (see Section 130.305);

- u) *through June 30, 2003, of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale [35 ILCS 120/2-5(3)];*
- v) *through June 30, 2003, and beginning again on September 1, 2004, of graphic arts machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(4)] (see Section 130.325);*
- w) through August 31, 2007, and beginning again on January 11, 2008, *a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act [35 ILCS 120/2-5(5)];*
- x) *of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois [35 ILCS 120/2-5(6)] (see Section 130.2006);*
- y) *through June 30, 2003, of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001] [35 ILCS 120/2-5(7)];*
- z) *of personal property sold to an Illinois county fair association for use in conducting, operating or promoting the county fair [35 ILCS 120/2-5(8)];*
- aa) *of personal property sold to any not-for-profit arts or cultural organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USCA 501) and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. On and after July 1, 2001, the qualifying organizations listed in this subsection (aa) must also be organized and operated primarily for the presentation or*

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support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations [35 ILCS 120/2-5(9)] (see Section 130.2004 of this Part);

- bb) *of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise [35 ILCS 120/2-5(10)] (see Section 130.2008);*
- cc) *of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion [35 ILCS 120/2-5(11)], unless the items are transferred as jewelry and therefore subject to tax;*
- dd) *through June 30, 2003, of oil field exploration, drilling and production equipment [35 ILCS 120/2-5(19)] (see Section 130.345);*
- ee) *of photoprocessing machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(20)] (see Section 130.2000);*
- ff) *through June 30, 2003, of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, including replacement parts and equipment [35 ILCS 120/2-5(21)] (see Section 130.350);*
- gg) *of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers [35 ILCS 120/2-5(22)] (see Section 130.321);*
- hh) *of semen used for artificial insemination of livestock for direct agricultural production. [35 ILCS 120/2-5(26)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the*

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semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

- ii) *beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. [35 ILCS 120/2-5(30)]* Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;
- jj) *beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster. [35 ILCS 120/2-5(31)]* Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area

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within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

- kk) *of a transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois [35 ILCS 120/2-5(23)];*
- ll) *until June 1, 2000, of horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes [35 ILCS 120/2-5(27)];*
- mm) *effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(28)] (see Section 130.2011 of this Part);*
- nn) *effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(29)] (see Section 130.2012 of this Part);*
- oo) *of tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois [35 ILCS 120/2-5(17)];*

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- pp) through June 30, 2003, of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code [35 ILCS 120/7];
- qq) beginning July 20, 1999, game or game birds purchased at:
- 1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]);
 - 2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]); or
 - 3) a hunting enclosure approved through rules adopted by the Department of Natural Resources;
- rr) *beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This subsection (rr) does not apply to fundraising events:*
- 1) *for the benefit of private home instruction; or*
 - 2) *for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity [35 ILCS 120/2-5(34)];*
- ss) *of machinery or equipment used in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act. "High impact service facility" means a facility used primarily for the sorting, handling and redistribution of mail, freight, cargo, or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis, and which:*

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- 1) *will make an investment in a business enterprise project of \$100,000,000 or more;*
 - 2) *will cause the creation of at least 750 to 1,000 jobs or more in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and*
 - 3) *is certified by the Department of Commerce and Economic Opportunity as contractually obligated to meet the requirements specified in subsection (11)(1) and (2) within the time period as specified by the certification. The certificate of eligibility for exemption shall be presented by the business enterprise to its supplier when making the initial purchase of machinery and equipment for which an exemption is granted by Section 1j of the Act, together with a certification by the business enterprise that such machinery and equipment is exempt from taxation under Section 1j of the Act and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/1i];*
- tt) *of jet fuel and petroleum products sold to and used in the conduct of its business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act, provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act [35 ILCS 120/1j.1]. High impact service facilities qualifying under the Act and seeking the exemption under Section 1j.1 shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions of taxes as described in Section 1j.1 of the Act. [35 ILCS 120/1j.2] The certification of eligibility for exemption shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of the Act, together with a certification by the business enterprise that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Act, and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/1i];*

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- uu) *of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation. [35 ILCS 120/2-5(33)] Exemption certifications must be executed by the purchaser. The certificate must include: the seller's name and address; the purchaser's name and address; the purchaser's registration number with the Department, if applicable; the purchaser's signature and date of signing; a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes (see Section 130.2005); the donee's sales tax exemption identification number; and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;*
- vv) *of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act [35 ILCS 120/2-5 (36)];*
- ww) *beginning January 1, 2000 through December 31, 2001, of new or used automatic vending machines that prepare and serve hot food and beverages, including*

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coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, of machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts from the use of the commercial, coin-operated amusement and vending machines. [35 ILCS 120/2-5(35)] (See Section 130.332 of this Part.)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED REPEALER

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

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED REPEALER

- 5) Effective Date of Adopted Repealer: March 5, 2008
- 6) Does this repealer include an automatic repeal date? January 1, 2011
- 7) Does this adopted repealer contain incorporations by reference? Yes
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703, and is available for public inspection.
- 9) Notices of Proposed Repealer published in the Illinois Register: September 21, 2007; 31 Ill. Reg. 13272
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposed and final versions: 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 repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The purpose is to delete the existing administrative rulemaking and adopt an updated and more precise rule at 41 Ill. Adm. Code 251 to allow for easier access and reference of the users.
- 16) Information and questions regarding this adopted repealer shall be directed to:

John J. Fennell Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
217/785-4144

Facsimile: 217/558-1320

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
251.10	New Section
251.20	New Section
251.25	New Section
251.30	New Section
251.40	New Section
251.50	New Section
251.60	New Section
251.70	New Section
251.80	New Section
251.90	New Section
251.100	New Section
251.110	New Section
- 4) Statutory Authority: Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216/30]
- 5) Effective Date of Adopted Rules: March 5, 2008
- 6) Does this rulemaking include an automatic repealer date? January 1, 2011
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703, and is available for public inspection.
- 9) Notices of Proposed Rules published in the Illinois Register: September 21, 2007; 31 Ill. Reg. 13290
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposed and final versions:

Section 251.20. The following definition was added to the final version:

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"Portable Fire Extinguisher": A portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire."

Section 251.25(a). The following changes were made to the final version:

NFPA 12: Carbon Dioxide Extinguishing Systems (~~2005~~2008)

NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (~~2004~~2008).

NFPA 2001: Clean Agent Fire Extinguishing Systems (~~2004~~2008).

Section 251.40(a) The following change was made to the final version:

A certification tag shall be affixed to the ~~front~~side of the portable fire extinguisher or fire suppression system when the extinguisher or system is installed or modified, or when maintenance is performed.

Section 251.50(a). The following change was made to the final version:

An affixed certification tag indicates that the fire extinguisher or fire suppression system ~~has been~~was thoroughly checked and found to meet all requirements of this Part at the time the tag was affixed.

Section 251.70(a). The following change was made to the final version:

All labels shall be placed on ~~the front or~~ the side of the fire extinguisher or suppression system cylinder, creating an unobstructed view for inspection.

Section 251.110(c). The following change was made to the final version:

Engineered fire suppression systems must be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 11, 12, 12A, 17, 72, 2001 and 750, as incorporated by reference in Section 251.25.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will these adopted rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rule replaces Part 250, adopts the current edition of the national standards and provides minimum requirements for licensed fire equipment distributors (Class A, B, and C), and licensed employees (Class 1, 2, and 3), for servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

217/785-4144
Facsimile: 217/558-1320

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 251

FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS

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

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

SOURCE: Adopted at 32 Ill. Reg. 4179, effective March 5, 2008.

Section 251.10 Scope

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

Section 251.20 Definitions

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

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

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

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

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

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

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

"NFPA": The National Fire Protection Association.

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

"Portable Fire Extinguisher": A portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire.

"Pre-Engineered Fire Suppression System": A fire suppression system having predetermined flow rates, nozzle pressures, and quantities of extinguishing agents.

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These systems may have specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a testing lab. The hazards protected by these systems are specifically limited as to type and size by a testing lab based upon actual fire tests. Limitations on hazards that can be addressed by a system are contained in the manufacturer's installation manual, which is referenced as part of the listing.

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

"UL": Underwriters Laboratory.

Section 251.25 Incorporations by Reference

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

National Fire Protection Association, 1 Batterymarch Park, Quincy MA 029169-7471 (617)770-3000.

NFPA 10: Standard for Portable Fire Extinguishers (2007).

NFPA 11: Low-, Medium-, and High-Expansion Foam (2005).

NFPA 12: Carbon Dioxide Extinguishing Systems (2008).

NFPA 12A: Halon 1301 Fire Extinguishing Systems (2004).

NFPA 17: Dry Chemical Extinguishing Systems (2002).

NFPA 17A: Wet Chemical Extinguishing Systems (2002).

NFPA 72: National Fire Alarm Code (2007).

NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (2008).

NFPA 750: Water Mist Fire Protection Systems (2006).

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NFPA 2001: Clean Agent Fire Extinguishing Systems (2008).

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

Section 251.30 Trainee

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

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

Section 251.40 Tagging

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

Section 251.50 Certification Tags

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

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- 1) 2008 - White
- 2) 2009 - Yellow
- 3) 2010 - Green
- 4) 2011 - Blue
- 5) 2012 - White
- 6) 2013 - Yellow

Section 251.60 Tamper Seals

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

Section 251.70 Labeling

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

Section 251.80 Subcontracting

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

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Section 251.90 Portable Fire Extinguishers

- a) Portable fire extinguishers shall be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 10, incorporated by reference in Section 251.25. OSFM recommends that the building owner perform a monthly visual inspection of the portable fire extinguisher.
- b) Portable fire extinguishers may only be installed, maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- c) Automatic fire extinguisher units having self-contained automatic detection and actuation, providing the unit's limited discharge piping network cannot be modified in the field, may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- d) Wheeled, stationary and skid mounted fire extinguisher units, with or without quick opening valves and provided they are manually operated, shall be classified as fire extinguishers and may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class A distributor/Class 1 licensed employee.
- e) Carbon dioxide, dry chemical, and Halon 1211 and 1301 cylinders that are part of a fire suppression system may be recharged and hydro-tested by a licensed Class A distributor/Class 1 licensed employee. The fire suppression system, however, shall be serviced by a licensed Class B or licensed Class C distributor/Class 2 or Class 3 licensed employee, whichever is applicable.
- f) All fire extinguishers shall have a pictorial classification decal affixed to the front of the extinguisher, if such pictorial markings are not already provided on the manufacturer's label. Markings shall be applied by decals that are durable and color-fade-resistant on a single label. Such markings shall comply with NFPA 10, Appendix B.

Section 251.100 Pre-Engineered Fire Suppression Systems

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

Section 251.110 Engineered Fire Suppression Systems

- a) Engineered fire suppression systems may only be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced by a licensed Class C distributor/Class 3 licensed employee, except as otherwise specified in this Section.
- b) Licensed Class A distributors/Class 1 licensed employees may perform recharging and hydro-testing functions enumerated in Section 251.90(e) on engineered fire suppression systems.
- c) Engineered fire suppression systems must be maintained, repaired, recharged, hydro-tested, serviced, inspected and replaced in accordance with NFPA 11, 12, 12A, 17, 72, 2001 and 750, as incorporated by reference in Section 251.25.
- d) Upgrades to existing Carbon Dioxide Extinguishing Systems as required in Section 1.3.4 of NFPA 12 are required to be completed by July 1, 2008 and not August 7, 2006 as stated in Section 1.3.5 of NFPA 12.
- e) All designs of an engineered system must be performed by an individual licensed as a professional engineer, certified by NICET (National Institute for Certification in Engineering Technologies) as a Level III Special Hazards technician or by an

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individual who is trained and currently certified by the manufacturer of the equipment being used in the engineered system. For information about the certification process, see the National Institute of Certification in Engineering Technologies, 1420 King Street, Alexandria VA 22314-2715, Engineering Technician and Technologist Certification Program Book, 6th Edition.

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.10	Amendment
280.15	New Section
280.20	Amendment
280.30	Amendment
280.40	Amendment
280.50	Amendment
280.55	New Section
280.60	Amendment
280.65	Amendment
280.70	Amendment
280.75	Amendment
280.80	Amendment
- 4) Statutory Authority: Section 30 of the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216/30]
- 5) Effective Date of Adopted Rules: March 5, 2008
- 6) Does the rulemaking include an automatic repealer date?: January 1, 2011
- 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 of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.
- 9) Notices of Proposed Rules published in the Illinois Register: September 21, 2007; 31 Ill. Reg. 13300
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final versions:

Section 280.15 (b). The following changes were made to the final version:

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NFPA 12: Carbon Dioxide Extinguishing Systems (~~2005~~2008), except Sections ~~1-10.1 through 1-10.1.5~~ 4.7.1 through 4.7.2.4 ~~4.7.1 through 4.7.2.4~~ shall apply only to new or replacement piping and fittings

NFPA 12A: Halon 1301 Fire Extinguishing Systems (2004), except Sections ~~1-10.1 through 1-10.1.6~~ 4.2.1 through 4.2.3.4 shall apply only to new or replacement piping and fittings

NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (~~2004~~2008)

NFPA 2001: Clean Agent Fire Extinguisher Systems (~~2004~~2008)

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency makings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To ensure companies and their personnel are properly trained in servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/785-4144
Facsimile: 217/558-1320

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 280

FIRE EQUIPMENT ADMINISTRATIVE PROCEDURES

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

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

SOURCE: Adopted at 17 Ill. Reg. 7214, effective May 11, 1993; amended at 32 Ill. Reg. 4191, effective March 5, 2008.

Section 280.10 Definitions

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

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

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

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

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

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

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

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

"NFPA". ~~The term, NFPA, means the~~ National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts ~~02169-7471~~02269. The number following the NFPA is the standard number and is followed by the year designating the year of publication (or edition). Where the Office has adopted a standard, no later editions or amendments are included.

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.15 Incorporations by Reference

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

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

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www.nfpa.org

NFPA 10: Portable Fire Extinguishers (2007)

NFPA 11: Low-, Medium-, and High-Expansion Foam (2005)

NFPA 12: Carbon Dioxide Extinguishing Systems (2008), except Sections 4.7.1 through 4.7.2.4 shall apply only to new or replacement piping and fittings

NFPA 12A: Halon 1301 Fire Extinguishing Systems (2004), except Sections 4.2.1 through 4.2.3.4 shall apply only to new or replacement piping and fittings

NFPA 17: Dry Chemical Extinguishing Systems (2002)

NFPA 17A: Wet Chemical Extinguishing Systems (2002)

NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (2008)

NFPA 750: Water Mist Fire Protection Systems (2006)

NFPA 2001: Clean Agent Fire Extinguishing Systems (2008)

(Source: Added at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.20 Fire Equipment Distributor License

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

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

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Equipment Distributor:

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

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

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

b) Renewal of Fire Equipment Distributor License

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

c) Amending Current Distributor Licenses

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

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(see Section 41 Ill. Adm. Code 280.50).

2) Adding Classifications:

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

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

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

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

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

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

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

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

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.30 Fire Equipment Distributor Employee License

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

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

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

- 3)2) Employees of a distributorship newly created after December 31, 1991 in which no employee holds a license issued by the Office will be subject to the following:
- A) Employee shall complete application forms provided by the Office;
 - B) Employee shall pay~~submit a payment for~~ the requisite fees of \$20 per classification;
 - C) Employee shall submit 2~~two (2)~~ 1" X 1" photographs ~~;~~;
 - D) The individual must register and be examined during the Office's next quarterly examination and, after December 31, 2007, must register and be certified by NAFED within 90 days after submitting his/her application form to the Office. Until ~~such time as~~ the individual takes the examination, the Office will issue a letter that,~~which~~ shall be carried by the individual. This letter will serve as an interim license and shall expire 30 days after~~from~~ the scheduled quarterly examination date.
 - E) An~~If the~~ individual who fails to successfully complete the examination,~~he~~ must then work as a trainee and follow the provisions outlined in 41 Ill. Adm. Code 251~~250~~.
- b) Renewal of Fire Equipment Distributor Employee License.
- 1) The Office will notify the distributor, by issuance of an annual invoice, 30 days prior to the expiration date of the employee license. However, failure to receive the invoice from the Office is not a valid reason for operating on an expired license. The distributor shall return the appropriate copies of the annual invoice, along with the following:
 - A) Requisite classification fees for the employee, in accordance with

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

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fees (see Section 280.50).

2) Additional Classifications

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

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

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

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

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

d) Termination of Employment

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

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

2)B) Within ~~30~~40 days after the termination, the distributor shall notify the Office, in writing, of the termination and return the employee identification card;

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

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

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.40 Examinations

- a) Examinations will be developed, provided and administered by Office personnel. The Office will schedule examinations at sites throughout the State.
- b) The Office will follow the guidelines for testing ~~as~~ outlined in 41 Ill. Adm. Code 140.200~~140.8~~ when applicable.
- c) Examinations will be developed and derived from 41 Ill. Adm. Code 251~~Part 250~~, the Act; and ~~the following~~ NFPA 10, 11, 12, 12A, 17, 17A, 96, 750 and 2001, as incorporated by Section 280.15. ~~editions:~~

~~NFPA 10 (1988)~~

~~NFPA 96 (1987)~~

~~NFPA 17 (1985)~~

~~NFPA 17A (1986)~~

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

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

~~NFPA 12B (1985)~~

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~~NFPA 11 (1988)~~

~~NFPA 11A (1988)~~

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.50 Miscellaneous Fees

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

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lapsed.

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.55 Continuing Education

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

(Source: Added at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.60 Complaints, Investigation, and Formal Charges

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

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- 2) *The Office may summarily suspend a license under the Act, without a hearing, simultaneously with the filing of a formal complaint and notice ~~of for a~~ hearing ~~provided under this Section~~ if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the Office suspends a license under this subsection (b)(2), a hearing by the hearing officer designated by the Office shall begin within ~~20~~30 days after ~~the such~~ suspension begins, unless continued at the request of the licensee. (Section 90(b) of the Act)*
- 3) *The Office, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State, may apply for injunctive relief in any court to enjoin from practicing a licensed activity:*
 - A) *any person who has not been issued a license, or whose license has been suspended, revoked, or not renewed; or (Section 10 of the Act)*
 - B) *any person found to be guilty of the offenses outlined in Section 280.70.*
- c) *Formal Charges:*
 - 1) *Following the investigative process, the Office may file formal charges against the licensee. ~~The Such~~ formal charges shall, at a minimum, inform the licensee of the facts ~~that make up~~ ~~which are~~ the basis of the charge and ~~that which~~ are specific enough to enable the licensee to defend himself or herself. (Section 85(a) of the Act)(Ill. Rev. Stat. 1991, ch. 111, par. 8019) [225 ILCS 215/19]*
 - 2) *Each licensee whose conduct is the subject of a formal charge, if the Office seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge and hearing date at least 30 days before the date of the hearing. (Section 85(b) of the Act)*
 - 3) *The notice of formal ~~charges~~charge shall consist at a minimum of the following information:*

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.65 Administrative Hearing

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

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

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

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

- a) *fraud or material deception in obtaining or renewing a license;*
- b) *professional incompetence as manifested by poor standards of service;*

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

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- ~~o)†~~ *failure to comply with any provision of the Act or this Part;*
- ~~p)†~~ *conducting business regulated by ~~the~~^{this} Act without a currently valid license.*

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.75 Sanctions to be Imposed for Violators

- a) The Office shall impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any offense described in Section ~~90(a)17~~ of the Act (~~Ill. Rev. Stat. 1991, ch. 111, par. 8017~~) [~~225 ILCS 215/17~~] or Section ~~280.70~~^{280.65} of this Part:
- 1) *Revocation of license;*
 - 2) *Suspension of license for any period of time;*
 - 3) *Reprimand or censure;*
 - 4) ~~Placement~~^{Place} *on probationary status ~~for a period of time~~ and ~~the~~ requirement of ~~require~~ submission to any of the following:*
 - A) *Report regularly to the Office upon matters ~~that~~^{which} are the basis of the probation;*
 - B) *Continuation or renewal of professional education until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or*
 - C) ~~B) Such other reasonable requirements or restrictions as are proper;~~
 - 5) ~~Refusal~~^{Refuse} *to issue, renew or restore the license;*
 - 6) ~~Revocation of~~^{Revoke} *probation ~~that~~^{which} has been granted and imposition of ~~impose~~ any other discipline in this subsection (a) ~~above~~ when the requirements of probation have not been fulfilled or have been violated. (~~Ill. Rev. Stat. 1991, ch. 111, par. 8020~~) [~~225 ILCS 215/20~~]*

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

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(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

Section 280.80 Exemptions to Licensing

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

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

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.330 Adopted Action:
Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rulemaking: March 10, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 18, 2007; 31 Ill. Reg. 7240
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:
 1. In Section 250.330(a), a "₂" was inserted after "staff" and "or" was stricken.
 2. In Section 250.330(a), "or Allied Health personnel pursuant to Section 250.310(a)(14) of this Part," was inserted after "staff," and before the new proposed language.
 3. In Section 250.330(a), "after" was changed to "that includes".
 4. In Section 250.330(a), a "₂" was inserted after "staff" and the "or" was stricken. In the same line, ", or Allied Health personnel pursuant to Section 250.310(a)(14) of this Part" was inserted after "member".

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5. In Section 250.330(b), "₂" was inserted after "Staff", "and" was stricken, and "or Allied Health personnel pursuant to Section 250.310(a)(14) of this Part" was inserted after "members".

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 250.330(a) and (b), "Allied Health" was changed to lower case.
2. In Section 250.330(a) and (b), "pursuant to Section 250.310(a)(14) of the Part" was changed to "with clinical privileges recommended by the hospital medical staff and granted by the hospital governing body".
3. In Section 250.330(a), the comma after "member" was deleted.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 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>Illinois Register Citation:</u>
250.160	Amendment	32 Ill. Reg. 3146; March 7, 2007
250.250	Amendment	32 Ill. Reg. 3146; March 7, 2007
250.890	New	32 Ill. Reg. 3146; March 7, 2007
250.160	Amendment	31 Ill. Reg. 1830; June 15, 2007
250.1830	Amendment	31 Ill. Reg. 1830; June 15, 2007

- 15) Summary and Purpose of the Rulemaking: The proposed rulemaking amends Section 250.330 (Orders for Medications and Treatments) of the Hospital Licensing Requirements. Currently, subsection 250.330(a) prohibits administering medication, treatment, or a diagnostic test to any patient without "a written order of a member of the medical staff or a house staff member under the supervision of the medical staff".

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The amendment added language to the subsection that creates an exception for influenza and pneumococcal polysaccharide vaccines. The language allows these vaccines to be administered under conditions that are approved by the medical staff in the hospital's policy, and after an assessment for contraindications.

The language is consistent with language in the Conditions of Participation for CMS/Medicare and was proposed at the urging of the regulated industry.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

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SUBPART D: PERSONNEL SERVICE

Section

250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section

250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

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Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels

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SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

250.1410	Anesthesia Service
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SUBPART L: RECORDS AND REPORTS

Section

250.1510	Medical Records
250.1520	Reports

SUBPART M: FOOD SERVICE

Section

250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

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SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

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- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details
- 250.2460 Finishes
- 250.2470 Structural

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- 250.2480 Mechanical
- 250.2490 Plumbing and Other Piping Systems
- 250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section

- 250.2610 Applicability of these Standards
- 250.2620 Codes and Standards
- 250.2630 Existing General Hospital Standards
- 250.2640 Details
- 250.2650 Finishes
- 250.2660 Mechanical
- 250.2670 Plumbing and Other Piping Systems
- 250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section

- 250.2710 Special Care and/or Special Service Units
- 250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

- 250.2810 Applicability of Other Parts of These Requirements
- 250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
- 250.2830 Classification and Definitions of Service and Programs
- 250.2840 General Requirements for all Hospital Alcoholism Program Classifications
- 250.2850 The Medical and Professional Staff
- 250.2860 Medical Records
- 250.2870 Referral
- 250.2880 Client Legal and Human Rights

- 250.APPENDIX A Codes and Standards (Repealed)
 - 250.EXHIBIT A Codes (Repealed)
 - 250.EXHIBIT B Standards (Repealed)
 - 250.EXHIBIT C Addresses of Sources (Repealed)
- 250.ILLUSTRATION A Seismic Zone Map

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250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at

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23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 4213, effective March 10, 2008.

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff, ~~or~~ a house staff member under the supervision of a member of the medical staff, or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing body, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy that includes an assessment for contraindications. Verbal orders shall be signed before the member of the medical staff, ~~or~~ the house staff member or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing body leaves the area. Telephone orders shall be used sparingly and countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff.
- b) Members of the Medical Staff, ~~and~~ house staff members or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing body shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
- c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

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- d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

(Source: Amended at 32 Ill. Reg. 4213, effective March 10, 2008)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.2165 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 110/12; 5 ILCS 2505/2505-795
- 5) Effective Date of Amendment: March 6, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 15950; November 30, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In subsection (a), deleted "11" and "regulations adopted under the Act at".

In subsection (b), added a comma after "tax".

In subsection (c)(1)(A), added a comma after "client".

In subsections (c)(1)(D) and (d)(1)(A), changed "Veterinary Medicine and Surgery Practice Act of 2004" to "Act".

In subsection (c)(1)(D), changed the period to a comma.

In subsection (c)(2), added a comma after "transactions".

In subsection (c)(2)(C), deleted the comma after "drug" and changed "restricts" to "restrict".

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In subsections (c)(3)(A)(i) and (c)(3)(B), changed "He or she" to "The veterinarian".

In subsection (c)(3)(A)(i), deleted "hers" and after "if" added "he or".

In subsection (c)(3)(A)(ii), changed "he or she" to "the veterinarian".

In subsection (c)(3)(B), deleted quotation marks.

In subsection (d), added a comma after "or".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking clarifies the types of tax liabilities that may be incurred by veterinarians, including liability under the Service Occupation Tax Act, the Use Tax Act and the Retailers' Occupation Tax Act. The rulemaking sets forth the requirements that must be met in order for a transaction to be considered a service transaction, including the existence of a Veterinarian-client-patient relationship ("VCPR"), physical examination of the animal and maintenance of proper books and records documenting the VCPR. The regulation describes the circumstances under which service transactions occur. These include instances when medicines, drugs or other products are directly applied or administered by a licensed veterinarian during a veterinary examination, or when medicines, drugs or other products having a medicinal purpose are sold by a licensed veterinarian as part of a continuing plan for the health and well being of an animal under his or her care. The regulation defines "medicinal purpose" and also details the books and records that must be kept in order to document the occurrence of a service transaction. Examples are provided of items that have a medicinal purpose, and of several types of service transactions. The regulation also provides a brief explanation (with cross-references to the Service Occupation Tax regulations in Part 140) of the manner in which tax may apply to those transactions. The regulation similarly defines and provides examples of transactions that constitute sales subject to the Retailers' Occupation Tax and Use Tax Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled

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	Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period

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130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

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SUBPART I: PENALTIES AND INTEREST

Section

- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

- 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

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- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers

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- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property –

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	Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps and Discount Coupons
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians

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130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987;

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amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003,

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for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.2165 Veterinarians

- a) Veterinarians as Servicemen~~When Liable For Tax~~
Veterinarians are engaged primarily in rendering service to their clients and so are considered to be servicemen. As medical professionals regulated under the Veterinary Medicine and Surgery Practice Act of 2004 (the Act) [225 ILCS 115] they typically provide services to persons with whom they have established a veterinarian-client-patient relationship (VCPR) as defined in Section 3 of the Act. Under the Act, in order to maintain a valid VCPR, a veterinarian must maintain sufficient knowledge of the animal to initiate treatment and be readily available for follow-up. In addition, he or she must maintain adequate medical records, as provided in 68 Ill. Adm. Code 1500.50(a)(11), and must comply with certification, licensure, professional conduct and disciplinary requirements, including continuing education mandates, as provided by the Act and 68 Ill. Adm. Code 1500. Services provided by veterinarians are predicated upon compliance with these requirements.~~When veterinarians sell items of tangible personal property, such as pet food, animal tags, pet collars, leashes, and the like, other than farm chemicals (see Section 130.1955 of this Part) to purchasers for use or consumption apart from their rendering of service as veterinarians, they incur Retailers' Occupation Tax liability. Veterinarians who sell items over the counter must be registered as retailers. (See Subpart G of this Part.) Any item sold to a veterinarian who intends to resell the item shall be taxable unless the veterinarian provides the seller with a Certificate of Resale.~~
- b) Tax Liabilities of Veterinarians~~When Not Liable For Tax~~

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In conducting a veterinary practice, veterinarians may incur different types of tax, depending upon the nature of their activities. When licensed veterinarians transfer tangible personal property to their clients as a result of the practice of veterinary medicine, a service transaction occurs that results in liability under the Service Occupation Tax Act. Veterinarians also sometimes sell items of tangible personal property to clients or even to the general public outside the scope of a service transaction. In such cases, they are considered to be retailers engaged in the business of selling tangible personal property at retail and incur Retailers' Occupation Tax liability. In addition, veterinarians incur Use Tax on items of tangible personal property that are not transferred to their clients and instead are consumed by them in the course of performing veterinary services. Subsections (c) through (e) of this Section describe the requirements for a service transaction and define the tax liability that results from these transactions. Also described are the circumstances under which Retailers' Occupation Tax liability and Use Tax liability are incurred by veterinarians.~~Veterinarians are engaged in a profession and primarily render service. To the extent to which they engage in such profession, they are not engaged in the business of selling tangible personal property to purchasers for use or consumption within the meaning of the Act. Consequently, they are not required to remit Retailers' Occupation Tax measured by their receipts from engaging in such profession, including receipts from both services and tangible personal property transferred incident to those services.~~

c) Service Transactions – Requirements – TaxationExample

- 1) In order for a transaction to be considered a service transaction for purposes of taxation, several requirements must first be met. Specifically:
 - A) A licensed veterinarian must have first established a valid VCPR with the service client, as defined in Section 3 of the Act;
 - B) A licensed veterinarian must have physically examined the animal;
 - C) A veterinary practice must maintain medical records demonstrating that the animal for whom tangible personal property was transferred was physically examined by a licensed veterinarian in that veterinary practice no more than 1 year prior to the date on which tangible personal property was transferred;

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- D) The requirements of this subsection (c)(1) are not intended in any way to affect the requirements of the Act concerning the establishment or maintenance of a valid VCPR, but are intended only to establish the type of tax liability that will be incurred by a veterinary practice.
- 2) When veterinarians engage in service transactions, they incur liability under the Service Occupation Tax Act. See 86 Ill. Adm. Code 140 for a detailed explanation of these liabilities. Assuming a valid VCPR has first been established, a service transaction occurs under the following circumstances:
- A) A service transaction occurs when medicines, drugs and other products are directly applied or administered by a licensed veterinarian during a veterinary examination. Tangible personal property transferred may include, but is not limited to, vaccines; flea and tick products; shampoos; bandages; ointments; splints; and sutures.
- B) A service transaction occurs when a licensed veterinarian sells medicines, drugs and other products having a medicinal purpose, as defined in subsection (c)(2)(C) of this Section, as part of a continuing plan for the health and well being of an animal under his or her care. These drugs, medicines and other medicinal products may be products that federal law restricts to use only by prescription from a licensed veterinarian, or may be products that are recommended by the veterinarian under a continuing plan for the health and well being of the animal. These transactions include refills of such drugs, medicines and other medicinal products that are made over-the-counter without a physical examination of the animal on the date of the refill. In order to document that qualifying items are transferred as part of a continuing plan for the health and well being of the animal, the following requirements must be met:
- i) the licensed veterinarian transferring items to the service client (or the veterinarian's designee) must enter a notation in the animal's medical records that the medicine, drug or medicinal product was recommended or prescribed as a

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result of an examination or after consultation with the service client; and

- ii) the licensed veterinarian transferring items to the service customer (or the veterinarian's designee) must sign and contemporaneously date the notation in the animal's medical records; and
- iii) the animal's medical records must demonstrate that a licensed veterinarian in the veterinary practice that transferred the items to the animal examined the animal no more than 1 year prior to the date on which the items were transferred.

C) For purposes of this subsection (c), a medicine, drug or other product having a medicinal purpose means items that are ingested by or applied to an animal and that cure or treat disease, illness, injury or pain or mitigate the symptoms of such disease, illness, injury or pain. Such items may include, but are not limited to, items that are required to be prescribed by a veterinarian; nonprescription medicines; vitamins, herbal remedies and dietary and nutritional supplements (e.g., glucosamine chondroitin); medicated shampoos; topical flea and tick products applied directly on an animal for the control of fleas and ticks; and flea and tick collars. Such items also include dental products such as toothpaste, toothbrushes and chews that are specifically designed to promote dental health in animals; insecticides and insect growth regulators that are applied by broadcast treatment (e.g., hand pump sprayers or pressurized aerosols) or with total release aerosols or foggers; products used to treat urinary behavior issues; collars worn by an animal after surgery to prevent the removal of sutures; and splints and braces. Animal food is considered to have a medicinal purpose only if its manufacturer restricts its sale to licensed veterinarians. In order to document the requirement that the manufacturer restrict the sale of animal food to licensed veterinarians, a veterinarian shall annually obtain a letter from the manufacturer representing that the animal food is sold only to licensed veterinarians. Provided that a veterinarian maintains this letter in his or her books and records, the Department shall

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consider the animal food to have a "medicinal purpose" for the period of one year following the date of issuance of the letter. The following items are not considered to have medicinal purposes: combs; brushes; shears; nail clippers; name tags; nonmedicated shampoo; leashes; collars; toys; clothing; odor eliminators; and waste handling products. Prescriptions for animals are subject to the high rate of tax. See 86 Ill. Adm. Code 130.310.

- i) EXAMPLE 1: During a veterinary examination of a dog, a veterinarian breaks open a 6 dose package of flea and tick product and applies one packet to the dog. He or she recommends that the service client continue use of the flea and tick product and offers the remaining 5 packets for sale. If the customer purchases all 5 packets of the flea and tick product at the time of the service transaction, the veterinarian will incur liability under the Service Occupation Tax on the 6 pack of flea and tick product (one applied to the animal incident to service, the other 5 transferred to the service customer as part of the service transaction). If the service customer returns 6 months later and purchases 2 additional flea and tick packets without examination of the dog, the veterinarian will incur liability under the Service Occupation Tax provided that he or she maintains the proper documentation in his or her books and records as required in subsection (c)(2)(B) of this Section.
- ii) EXAMPLE 2: A service client discovers that his or her dog has fleas, so the client takes it to the veterinarian for treatment. The veterinarian uses a lice comb to examine for fleas and then applies a nonprescription flea and tick bath to treat the infestation. The veterinarian recommends that the service client purchase additional bottles of the product to ensure that treatment is complete. The service client returns 2 weeks later to purchase an additional bottle of product. The veterinarian will incur liability under the Service Occupation Tax on the flea and tick product transferred when treating the dog, as well as on the subsequent sale of the same flea and tick product (provided that the required documentation is maintained). The

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veterinarian will incur Use Tax on the flea and tick comb that he or she uses in practice (as well as other items used or consumed in the grooming and bathing of the dog, such as towels, dryers or disposable pads).

3) Application of Service Tax to Example

A) In both Examples 1 and 2 of subsection (c)(2)(C), the veterinarian can remit Service Occupation Tax based on the selling price of the tangible personal property transferred incident to service, as more fully explained in subsection (c)(3)(B) of this Section. However, if the annual aggregate cost price of all items transferred incident to service transactions is less than 35% of annual aggregate gross receipts from service, he or she may elect instead to handle liability by being treated as a "de minimis" serviceman. See 86 Ill. Adm. Code 140.106 for an explanation of the 35% threshold. As a de minimis serviceman, he or she may pay tax as follows:

- i) If the veterinarian does not make over-the-counter sales subject to Retailers' Occupation Tax (e.g., sales of leashes, clippers or combs), he or she may elect to remit Use Tax to suppliers on his or her cost price of tangible personal property transferred incident to service (if suppliers are not registered to collect the Use Tax, he or she must register for the limited purpose of self-assessing and remitting Use Tax on these purchases). See 86 Ill. Adm. Code 140.108 for further information. The veterinarian cannot provide Certificates of Resale to suppliers if he or she elects this option.
- ii) If the veterinarian makes over-the-counter sales subject to Retailers' Occupation Tax, he or she may remit Service Occupation Tax to the Department on his or her cost price of the tangible personal property transferred incident to service. See 86 Ill. Adm. Code 140.109 for further information. In this case, the veterinarian should provide Certificates of Resale to suppliers. He or she must register and file returns with payment of tax to the Department.

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- B) If the veterinarian's annual aggregate cost price of all items transferred incident to service transactions is 35% or more of annual aggregate gross receipts from service, he or she cannot elect to be treated as a de minimis serviceman. The veterinarian must pay Service Occupation Tax on the selling price of the tangible personal property transferred incident to service. See 86 Ill. Adm. Code 140.106. The veterinarian must register and remit returns with tax to the Department. He or she should provide Certificates of Resale to suppliers and may calculate selling price as follows:
- i) Separately stated selling price. If the serviceman separately states the selling price of the tangible personal property transferred incident to service on billings to service customers, then Service Occupation Tax liability is based on that separately stated selling price. In no event, however, can the Service Occupation Tax liability be based on an amount less than the serviceman's cost price of the tangible personal property being transferred.
 - ii) Fifty percent base. If the serviceman's bill to the service customer does not separately state the selling price of the tangible personal property transferred, the serviceman's Service Occupation Tax liability is based on 50% of the entire customer bill. However, in no event can the Service Occupation Tax be based on an amount less than the serviceman's cost price of the tangible personal property being transferred.

~~For example, if a veterinarian sells a pet diet product that is also available over the counter at pet supply retail outlets, the veterinarian incurs a Retailers' Occupation Tax liability on such sales. However, if a veterinarian transfers a pet diet product that is available only through prescription by a veterinarian and is not available over the counter, such transfer is subject to Service Occupation Tax liability.~~

- d) Retail Transactions – Defined – Taxation
- 1) Retailers' Occupation Tax Liability will be incurred by veterinarians in the following circumstances:

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- A) Retailers' Occupation Tax liability will be incurred on the sale of any tangible personal property to persons with whom the veterinarian has not established a valid VCPR in accordance with the Act. Such items may be medicinal (e.g., a flea and tick product for application on an animal) or non-medicinal (e.g., nonmedicated shampoos, combs, leashes, collars).
- B) Retailers' Occupation Tax liability will be incurred on the sale of any tangible personal property to persons with whom a veterinarian has established a valid VCPR if those items are sold outside the scope of the service transactions described in subsection (c) of this Section. The following items are considered to be transferred outside of the scope of a service transaction, regardless of whether a VCPR has been established: combs, brushes, shears, nail clippers, name tags, nonmedicated shampoos, leashes, collars, toys, clothing, odor eliminators and waste handling products.
- e) Use Tax Incurred by Veterinarians
A veterinarian will incur Use Tax on tangible personal property that he or she uses or consumes in his or her veterinary practice and is not transferred to a service customer. In Example 2 of subsection (c)(2)(C), these items would include the disposable pads, dryers, combs and towels. Other items might include, but are not limited to, cleaning supplies, tables or chairs, thermometers and hand soap. Certificates of Resale cannot be used for the purchase of these items. Instead, Use Tax must either be paid to suppliers or, if suppliers are not registered to collect tax, then the veterinarian must self-assess and remit Use Tax to the Department.

(Source: Amended at 32 Ill. Reg. 4226, effective March 6, 2008)

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REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of Part: Organizational Chart, Description, Rulemaking Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3) Section Number: 700.APPENDIX B Adopted Action: Amendment
- 4) Date Proposal Published in Illinois Register: Under the Corn Marketing Act [505 ILCS 40] this is a required rulemaking and, therefore, not subject to 1st Notice publication in the Illinois Register.
- 5) Date Adoption published in Illinois Register: February 15, 2008; 32 Ill. Reg. 2558
- 6) Summary and Purpose of Expedited Correction: Under Section 700.Appendix B, Section VIII, an error in the rulemaking text shows the stricken amount as "1/44" per bushel rather than "1/4 cent" per bushel.
- 16) Information and questions regarding this request shall be directed to:

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

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

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REQUEST FOR EXPEDITED CORRECTION

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION,
RULEMAKING PROCEDURE, AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section	
700.10	Scope of the Department of Agriculture
700.20	Office of the Assistant Director
700.30	Division of Animal Industries
700.35	Division of Consumer Services
700.40	Division of Marketing and Promotion
700.50	Division of Agricultural Industry Regulation
700.60	Division of Fairs and Horse Racing
700.70	Division of Natural Resources
700.80	Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

Section	
700.100	Illinois Department of Agriculture Organization Chart

SUBPART C: REQUEST FOR INFORMATION

Section	
700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE
DEPARTMENT OF AGRICULTURE

Section	
700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

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SUBPART E: RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE

Section

700.150 Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE
PROMULGATION OF RULES AND REGULATIONS

Section

700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's Organization, Description and Rule-making Procedures)

700.170 Public Participation and Comments

700.180 Consideration of Rules by Advisory Boards

700.190 Public Comment Period; Submission of Written Comments; Extending the Public Comment Period

700.200 Public Hearing Procedure

700.210 Director's Decision

700.220 Second Review Period; Final Disposition of Rulemaking Proposal

700.230 Computing Time

700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section

700.300 General Rulemaking Initiated by Department

700.310 Rulemaking Requested by Advisory Board or Committee

700.320 Emergency or Peremptory Rulemaking by Department

700.APPENDIX A Marketing Program for Illinois Apples and Peaches (Repealed)

700.APPENDIX B Marketing Program for Illinois Corn and Corn Products

700.APPENDIX C Marketing Program for Illinois Eggs (Repealed)

700.APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products

700.APPENDIX E Fertilizer Research and Education Program

700.APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act [505 ILCS 20]; Appendix B implementing and authorized by the Illinois Corn Marketing Act [505 ILCS 40]; Appendix C implementing and authorized by the Egg

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Market Development Act [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]; Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 [505 ILCS 80/6A].

SOURCE: Rules and Regulations Relating to the Illinois Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981; codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p.181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700. Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700. Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700. Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700. Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. 3893, effective February 28, 1992; amended at 17 Ill. Reg. 19895, effective November 8, 1993; amended at 20 Ill. Reg. 12773, effective September 5, 1996; amended at 24 Ill. Reg. 1564, effective January 12, 2000; amended at 29 Ill. Reg. 18407, effective January 1, 2006; amended at 32 Ill. Reg. 2558, effective February 1, 2008; expedited correction at 32 Ill. Reg. 4246, effective March 10, 2008.

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Section 700.APPENDIX B Marketing Program For Illinois Corn and Corn Products

Agency Note: Section 7 of the "Illinois Corn Marketing Act" [505 ILCS 40/7] requires any corn marketing program that is approved by Illinois corn producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" [5 ILCS 100/5-65]. The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the Illinois Administrative Procedure Act. On December 29, 1982, a Marketing Program for Illinois Corn and Corn Products was approved through referendum.

ARTICLE I

PURPOSE:

This program is developed not to increase production but to enable Illinois corn producers to coordinate more effectively the maintenance and development of markets for corn and corn products; to provide for the needed utilization research; to develop new uses for corn and corn products; and to provide for more efficient and economical markets.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for corn; to provide procedures to engage in research directed toward more efficient utilization of corn; to provide procedures to support worldwide market development programs and cooperate with other states, organizations, agencies and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois corn and its procedures is established pursuant to the Illinois Corn Marketing Act [505 ILCS 40].

ARTICLE III

PROGRAM EXTENT:

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All producers of corn in Illinois are qualified to participate and all corn sold to a first purchaser is subject to the program.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means the Illinois Corn Marketing Act [505 ILCS 40].
- (b) "*Corn*" means and includes all kinds of varieties of corn (excluding popcorn and sweet corn) grown in this State and marketed and sold as corn by the producer.¹
- (c) "*Person*" means any natural person, partnership, corporation, society, association, representative or other fiduciary.¹
- (d) "Producer" means any person engaged in this State in the business of producing and marketing corn and who is affected by this program by virtue of having the first rights of ownership in any corn for which payment is received at the first point of sale.
- (e) "*First Purchaser*" means any person who resells corn purchased from a producer or offers for sale any product produced from such corn for any purpose.¹
- (f) "*Market Development*" means to engage in research and educational programs directed toward better and more efficient utilization of corn; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets.¹
- (g) "Corn Marketing Program" means the program established under the authority of the Corn Marketing Act and approved by the corn producers.
- (h) "Corn Marketing Board" means the board established by any corn marketing program to administer a corn marketing program.
- (i) "*Director*" means the Director of the Department of Agriculture of the State of Illinois.¹

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- (j) *"Department" means the Department of Agriculture of the State of Illinois.*¹
- (k) *"Bushel" means 56 pounds of corn by weight.*¹
- (l) "District" means the geographical divisions of the State established pursuant to this marketing program.
- (m) "Sale" or "Sold" means a transaction wherein the property in or to corn is transferred from the producer to a first purchaser for consideration.
- (n) "Eligible Voter" means one who is defined both as a person and as a producer in this program during the previous 365 days prior to the referendum date.
- (o) "Affected Producer" means any person defined as a producer in this program who is subject to the assessment.
- (p) "Corn Checkoff Program" means a program defined as a corn marketing program.

¹Quoted from Section 3 of the Illinois Corn Marketing Act [505 ILCS 40/3].

ARTICLE V

CORN MARKETING BOARD:

Section 1. Establishment and Membership.

A corn marketing board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Board shall be comprised of 15 members elected from districts as provided in Section 2 of this Article. The 15 members shall be elected, one from each district.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 15 representative districts as follows:

- District I: Boone, McHenry, Lake, DeKalb, Kane, Cook, DuPage, Kendall and Will Counties.

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- District II: JoDaviess, Stephenson, Winnebago, Carroll and Ogle Counties.
- District III: Knox, Henry, Warren, Henderson, Mercer and Rock Island Counties.
- District IV: Whiteside, Lee, Bureau, Stark, Marshall and Putnam Counties.
- District V: LaSalle, Grundy, Livingston and Kankakee Counties.
- District VI: Ford, Iroquois, Champaign and Vermilion Counties.
- District VII: Woodford, McLean, DeWitt, Macon, Piatt and Moultrie Counties.
- District VIII: Peoria, Tazewell, Fulton, Mason, Cass, Menard and Logan Counties.
- District IX: Hancock, McDonough, Adams, Schuyler, Brown and Pike Counties.
- District X: Scott, Morgan, Sangamon, Greene, Jersey, Calhoun and Macoupin Counties.
- District XI: Christian, Montgomery, Shelby, Fayette and Effingham Counties.
- District XII: Douglas, Edgar, Coles, Clark, Cumberland, Jasper and Crawford Counties.
- District XIII: Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash and White Counties.
- District XIV: Madison, Bond, St. Clair, Clinton, Monroe and Washington Counties.
- District XV: Randolph, Perry, Jackson, Franklin, Williamson, Hamilton, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac Counties.

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of corn in this State subject to the assessment and residing in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

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Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified except for the initial board which shall be provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

A board member can only serve three full consecutive three year terms.

Section 5. Initial Board.

If this program is adopted by corn producers, the Director shall initiate the procedures to elect the initial 15-member board as outlined in this corn marketing program and the Act. The Director shall specify the day on which the election of the initial board will be held. The day on which this election is held, shall be no more than 210 days from the date of close of the referendum on adoption of this corn marketing program.

Board members shall serve three year terms; provided, however, that the initial term of the board members from Districts I, IV, VII, X, and XIII shall expire July 31, 1984; the initial terms of board members from Districts II, V, VIII, XI, and XIV shall expire July 31, 1985; and the initial terms of board members from Districts III, VI, IX, XII, and XV shall expire July 31, 1986.

When the initial term of office expires in a district, an election shall be held as provided in this program and the Act to fill the vacancy.

Section 6. Nominations.

- (a) Procedure for nominating candidates for election to the initial board: Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board members must be filed with the Director by a time and date specified by the Director. Petitions for becoming a candidate shall be available at the principal office of the Cooperative Extension Service serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by drawing by the Director. Candidates shall

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be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

- (b) Subsequent Years. Procedure for Nominating Candidates to the Board in Subsequent Years: Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer meeting the requirements of Section 3 may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of affected producers from his district.

Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that District. Notification to all affected producers in the district where a vacancy exists shall be published once in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than March 1 nor later than March 15 in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

Section 7.

- (a) Election of Initial Board.
Each eligible voter shall be entitled to one vote and shall be entitled to vote for one candidate to be such producer's district representative on the corn marketing board.

The candidate from each district receiving the greatest number of votes in the election shall be the district's representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately after certification of election results. Each eligible voter shall vote at the local Cooperative Extension Service office serving the county in which such eligible voter resides.

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- (b) Election of Board in Subsequent Years.
The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the corn marketing board. Nominations shall be as set forth in Section 6(b) of the program. The elected board member shall take office on August 1 of the year in which such board member is elected.

Section 8. Election Ballot.

The election ballot used in each district will contain only the name(s) of the candidate(s) for its district, with space provided for a write-in candidate. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

Section 9. Absentee Ballot.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls on the day of any board members' election held under this Article may request an absentee ballot. The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the initial election of directors and subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an affidavit swearing that such eligible voter is eligible to vote in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits must be received by the Director at least two (2) working days prior to any election of board members.

Section 10. Elections.

The Director shall appoint election judges for the election of board members.

Section 11. Powers and Duties of the Board.

The board shall have the following powers and duties:

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- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;
- (b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;
- (c) to formulate and execute assessment procedures, and methods of collection;
- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditures to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;
- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;

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- (n) to establish accounts in adequately protected financial institutions to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and
- (q) to perform such other duties which may be necessary to proper operation of the board.

Section 12. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liabilities for the debts or actions of the board shall exist against either the State of Illinois or any subdivision thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 13. Board Vacancies.

Procedures for filing: Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district's representation on the board for the unexpired term.

Section 14. Board Compensation.

*All voting members of the corn marketing board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board.*² Board members are not entitled to any salary or per diem.

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²Quoted from Section 11 of the Illinois Corn Marketing Act [505 ILCS 40/11].

ARTICLE VI

REFERENDUMS AND ELECTIONS:

Section 1.

The initial program referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no". The initial program referendum shall be conducted by ballot mailed to producers. A period of 21 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as may be designated by the Director. When requested in writing, the Director shall provide a ballot to any producer whose name does not appear on the list of producers maintained by the Agricultural Stabilization and Conservation Service or who for any reason did not receive a ballot. *Reasonable publicity and notification of the referendum date and voting locations shall be provided in trade publications, the public press and the official state newspaper, at least two weeks prior to such referendum date.*³

The Agricultural Stabilization and Conservation Service list of producers shall be the official mailing list used for the program referendum.

A corn marketing program or an amendment to a corn marketing program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

³Quoted from Section 9 of the Illinois Corn Marketing Act [505 ILCS 40/9].

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign a statement or affidavit declaring that such person is an eligible voter in the program.

An eligible voter who meets the definition of a "producer" in more than one county or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

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A person or business organization which meets the "producer" definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of ASSOCIATIONS, BUSINESSES, COOPERATIVES, UNIVERSITIES, COLLEGES, FOUNDATIONS, or any other business entity, only an officer may cast one vote for this business organization.

PARTNERSHIP, JOINT TENANCY: If ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

FIDUCIARY: Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship or other fiduciary relationship may cast one vote for the business held in trust.

LANDLORD AND TENANT: Each may cast one vote if each meets the "producer" definition.

HUSBAND AND WIFE: If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each meets the "producer" definition as a separate entity, then each may cast one vote.

Section 3. Teller Committee.

The Director shall appoint a teller committee composed of members of the agricultural community to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relations Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for corn and corn products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

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- (a) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning corn and corn products.
- (b) Provide information to foreign feed manufacturers and corn refiners for the purpose of expanding their use of corn and corn products.
- (c) Work with U.S. agricultural attaches or any other agency or organization in removing restrictive foreign and domestic regulations or barriers which hinder the free flow of corn or corn products to their ultimate markets.
- (d) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.
- (e) The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed research or survey studies related to corn and their products which will result in improved efficiency and aid corn producers in maintaining present and any new and larger markets.

Section 2. Educational Program.

The board is authorized to conduct, contract with, or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to corn and corn products.

The educational program established pursuant to this authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

ARTICLE VIII

ASSESSMENTS:

Section 1. Assessment Levied.

- (a) All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16 and 17 of the Act.

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- (b) Such assessments shall be ~~1/4¢~~ ? cent per bushel on corn produced and sold by such affected producer. After the first five years of operation of the program, the corn marketing board may request the Director to hold a referendum to increase the assessment rate.
- (c) Such assessment shall be collected from the affected producers by the first purchaser of corn and such first purchaser shall deduct the full amount of assessment from total monies due the producer and shall account for, report on, and remit to the board all monies collected, except as otherwise provided in this section. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two percent (2%) of such remittance due.
- (d) Any producer who shall sell, ship, or otherwise dispose of corn to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.
- (e) The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.
- (f) The board shall give reasonable notice to all producers, processors and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

ARTICLE IX

RIGHT OF REFUND:

Section 1.

- (a) Any affected producer may request that each assessment paid by him be refunded.
- (b) A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser.

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Applications for refund shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producers.

- (c) The board shall establish procedures to insure the refunds of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of a person or persons designated by majority vote of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

PROCEDURES:

Section 1.

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Following approval of the corn marketing program, the Director shall file the program with the Secretary of State as provided in Section 6 of the Illinois Corn Marketing Act.

Section 2.

All procedures promulgated pursuant to the Act shall be available upon request to those persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review any administrative decision. The board shall establish by regulation the contested case procedure in accordance with the Administrative Procedure Act [5 ILCS 100].

Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States Government, the State of Illinois, and

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other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

- (a) Coordination and cooperation in promotion, advertising, educational programs, informational programs, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.
- (b) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the corn producers in Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program shall become effective upon its adoption. The assessment will not be levied until April 1 or 60 days after the date of the election of the initial board, whichever is later, and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than ten percent of corn producers affected by the program in each respective district as published in the latest Census of Agriculture as published by the U.S. Department of Commerce, Bureau of Census. Such referendum is to be held in accordance with Section 9 of the Act and shall have as set forth in Section 7 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

ENFORCEMENT:

Section 1.

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Persons who collect corn marketing program assessment funds pursuant to Section 15 of this Act shall remit such funds to the corn marketing board which shall deposit such in an account to be used as authorized by the corn marketing program.

Any due and payable assessment required under the provisions of any corn marketing program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the corn marketing board not more frequently than quarterly or when stipulated in the corn marketing program and called for by the corn marketing board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 20 of this Act. When established that the assessment is correct, the corn marketing board may add to such unpaid assessment or sum a penalty amount not exceeding 10% of the amount due plus all the cost of enforcing the collection of the assessment or sum due. In the event of failure of such person to remit any properly due assessment or sum, the corn marketing board may bring a civil action against such person in the circuit court of any county for the collection thereof, together with the above additional specified 10% penalty assessment, cost of enforcing the collection of the assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable. All assessments are due and payable to the corn marketing board.⁴

Section 2.

No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved corn marketing program. The corn marketing board may institute any action which is necessary to enforce compliance with any provision of this Act, and rule or regulation thereunder or any corn marketing program adopted pursuant to this Act. In addition to any other remedy provided by law, the corn marketing board may petition for injunctive relief without being required to allege or prove the absence of any adequate remedy at law.⁵ Such action shall be brought in the Circuit Court of any county.

Before the corn marketing board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the corn marketing board as to why such proceedings should not be instituted.⁵

⁴Quoted from Section 17 of the Illinois Corn Marketing Act [505 ILCS 40/17].

⁵Quoted from Section 20 of the Illinois Corn Marketing Act [505 ILCS 40/20].

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REQUEST FOR EXPEDITED CORRECTION

(Source: Amended at 32 Ill. Reg. 2558, effective February 1, 2008; expedited correction at 32 Ill. Reg. _____, effective _____)

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 March 4, 2008 through March 10, 2008 and have been scheduled for review by the Committee at its April 15, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/17/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	11/9/07 31 Ill. Reg. 14982	4/15/08
4/17/08	<u>Department on Aging</u> , Community Care Program (89 Ill. Adm. Code 240)	12/14/07 31 Ill. Reg. 16375	4/15/08
4/17/08	<u>Department on Aging</u> , Americans With Disabilities Act and Civil Rights Program Grievance Procedure (4 Ill. Adm. Code 1725)	11/16/07 31 Ill. Reg. 15127	4/15/08
4/20/08	<u>Illinois Commerce Commission</u> , Environmental Disclosure (83 Ill. Adm. Code 421)	12/21/07 31 Ill. Reg. 16623	4/15/08
4/20/08	<u>Illinois Commerce Commission</u> , Telephone Assistance Programs (83 Ill. Adm. Code 757)	10/12/07 31 Ill. Reg. 14189	4/15/08
4/20/08	<u>Pollution Control Board</u> , Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 Ill. Adm. Code 1010)	12/21/07 31 Ill. Reg. 16685	4/15/08
4/23/08	<u>Department of Revenue</u> , Motor Fuel Tax (86 Ill.	1/4/08	4/15/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Adm. Code 500)

32 Ill. Reg.
125

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF HUMAN SERVICES

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Register citation of proposed rulemaking and other pertinent action: 32 Ill. Reg. 2642; February 22, 2008
- 4) Explanation: In Section 113.260, the rate for "Group A Counties, Needs Assessment 0-7" was incorrectly published in the February 22, 2008 Illinois Register with a rate of 1304. The rate should have read 1034, but the numbers were accidentally transposed. JCAR regrets this inadvertent error.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period October 1, 2007 through December 31, 2007.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006; 30 Ill. Reg. 9195, May 12, 2006; 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007 and 31 Ill. Reg. 15875, November 26, 2007.

Water quality criteria for General Use and Lake Michigan Basin Waters are listed below. General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. Lake Michigan Basin criteria apply within waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443. Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Acute criterion: 0.66 ug/L	Chronic Criterion: 0.53 ug/L
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993, revised May 30, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Atrazine	CAS #1912-24-9

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 82 ug/l	Chronic criterion: 9.0 ug/L
Date criteria derived: May 2, 2005	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l
Date criteria derived: December 11, 1991	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l	
Date criteria derived: March 20, 1992	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic) Applicable waterbodies: Not used during this period.	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007 Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Indeno(1,2,3-cd)pyrene	CAS #193-39-5
Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February, 1992, reviewed June 2007	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 5.4 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Metolachlor	CAS #51218-45-2
Acute criterion: 380 ug/l	Chronic criterion: 30.4 ug/l
Date criteria derived: February 25, 1992; revised October 1, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Propylene	CAS #115-07-1
Acute criterion: 4.0 mg/l	Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l	
Date criteria derived: December 22, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Tetrachloroethylene	CAS #127-18-4
Acute criterion: 1,200 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Tetrahydrofuran	CAS #109-99-9
Acute criterion: 220 mg/l	Chronic criterion: 17 mg/l
Date criteria derived: March 16, 1992	

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Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trichlorobenzene	CAS #120-82-1
Acute criterion: 370 ug/l	Chronic criterion: 72 ug/l
Date criteria derived: December 14, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Thallium	CAS #7440-28-0
Human health criterion (HTC): 4.1 ug/l	
Date criteria derived: October 22, 2007	
Applicable waterbodies: Segment P-06 of Rock River.	
Chemical: 1,1,1-trichloroethane	CAS #71-55-6
Acute criterion: 4,900 ug/l	Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,2-trichloroethane	CAS #79-00-5
Acute criterion: 19 mg/l	Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l	
Date criteria derived: December 13, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Trichloroethylene	CAS #79-01-6
Acute criterion: 12,000 ug/l	Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l	
Date criteria derived: October 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Vinyl chloride	CAS #75-01-4
Acute criterion: 40 mg/l	Chronic criterion: 4 mg/l
Human health criterion (HNC): non-primary contact, 164 ug/l	
Date criteria derived: October 23, 1992; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	

Lake Michigan Basin Criteria

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Bis(2-ethylhexyl)phthalate <u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 2.8 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #117-81-7 Chronic criterion: 17 ug/l Non-drinking water: 3.2 ug/l
Chemical: Methylene Chloride <u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 47 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1,200 ug/l Non-drinking water: 2,600 ug/l
Chemical: Vinyl Chloride <u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l <u>Human Health Non-threshold Criteria:</u> Drinking water: 0.25 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	CAS #75-01-4 Chronic criterion: 931 ug/l Non-drinking water: 14.4 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217-558-2012

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

In this Notice of Public Information under Section 7.2(b) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2006), the Board explains why it has extended until August 15, 2008, the deadline for adoption and filing of rules in the following consolidated identical in substance rulemaking: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-5); SDWA Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-7); SDWA Update, USEPA Amendments (July 1, 2007 though December 31, 2007)(R08-13) (consolidated). The Board has not yet adopted a proposal for public comment in this rulemaking, so there has been no *Illinois Register* publication in this consolidated docket. The Board anticipates that it will adopt a proposal for public comment at its April 17, 2008 meeting, and that the proposal will be filed by April 28, 2008 with the Secretary of State's Index Department for publication in the May 9, 2008 *Illinois Register*. If these events timely occur and no additional delay is required to adequately respond to public comments, the Board anticipates adoption of final rules at its July 24, 2008 meeting. The Board anticipates filing the adopted amendments with the Secretary of State's Index Department by August 4, 2008.

On March 6, 2008, the Board adopted an order to consolidate these identical in substance rulemakings. In that order the Board also found it necessary to extend the one-year period for completion of these amendments. The adoption deadline, based on the first federal action in docket R08-5, originally was March 12, 2008. The Board found that the statutory one-year period in this consolidated docket was insufficient for completion of the amendments.

The Board was unable to initiate this rulemaking earlier due to the unusually high demands on staff resources over the last several months as a result of a greatly increased volume of complex federal rulemaking. In addition, the Board expects this rulemaking to take a considerable amount of effort, since it involves updating the analytical methods used to demonstrate compliance with the SDWA and wastewater pretreatment requirements.

PROCLAMATIONS

2008-78

Brain Injury Awareness Month

- WHEREAS, traumatic brain injury is largely preventable, yet it is among the nation's most significant public health concerns, currently affecting at least 5.3 million Americans; and
- WHEREAS, while an estimated 80,000 to 90,000 Americans with traumatic brain injury experience permanent disability from their injury, traumatic brain injury often results in significant impairment of an individual's physical, cognitive and psychosocial functioning, impacting their ability to return to school and/or work; and
- WHEREAS, a substantial portion of individuals with traumatic brain injury and their families do not have access to appropriate support and services, and remain unserved or underserved. The lack of public awareness is so vast that traumatic brain injury is known in the disability community as the "silent epidemic;" and
- WHEREAS, in January, my administration launched a new initiative called the Illinois Warriors Assistance Program to target this "silent epidemic" among returning Illinois National Guard members and veterans. The program, the first of its kind in the nation, screens returning Illinois National Guard members for a traumatic brain injury while offering screening to all Illinois veterans, and a 24-hour toll-free psychological helpline for veterans suffering from symptoms associated with Post Traumatic Stress Disorder; and
- WHEREAS, while not a panacea for traumatic brain injury, the Illinois Warriors Assistance Program is a start, and I'm proud that, once again, Illinois is leading the way and establishing a model that can be used by other states and the federal government; and
- WHEREAS, to raise more awareness about this serious problem, the Brain Injury Association of America has recognized March as Brain Injury Awareness Month, and here in Illinois, we are pleased to join in this important campaign:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2008 as **BRAIN INJURY AWARENESS MONTH** in Illinois, and encourage all citizens to join in the efforts to spread knowledge of this critical health issue.

Issued by the Governor February 29, 2008
Filed by the Secretary of State March 7, 2008

PROCLAMATIONS

2008-79

Shirley L. Meyers and the Elmhurst Jaycees Distinguished Service Award

WHEREAS, the Elmhurst Jaycees, a local chapter of the U.S. Junior Chamber of Commerce, serves the local community through organizing events and service to others; and

WHEREAS, the Elmhurst Jaycees was established in 1920 and continues today to provide young people between the ages of 21 and 39 the tools they need to build bridges of success for themselves in the areas of business development, management skills, individual training, community service, and international connections; and

WHEREAS, in addition to providing opportunities to develop personal and leadership skills, the Elmhurst Jaycees have honored deserving community members with the Distinguished Service Award for more than 50 years; and

WHEREAS, the honoree for this evening, Shirley L. Meyers, has been a very active member of the Elmhurst community. Ms. Meyers has spent much of her professional career working with community organizations including the Y.M.C.A. and the First Congregational Church of Christ. She has also been very active in community groups outside of her career, volunteering her time and leadership to the Elmhurst American Legion Auxiliary, the Elmhurst Symphony Auxiliary, and the Elmhurst Senior Citizens Commission, just to name a few; and

WHEREAS, Ms. Meyers has worked hard in the Elmhurst community for more than 35 years, where she has earned numerous awards and recognitions for her philanthropic work and community service, including the Founders Medal from Elmhurst College and the City of Elmhurst Character Counts Service Award; and

WHEREAS, this year, the Elmhurst Jaycees will present the 2008 Distinguished Service Award to Shirley L. Meyers on May 8:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize **SHIRLEY L. MEYERS** as she receives the **ELMHURST JAYCEES DISTINGUISHED SERVICE AWARD** for her contributions to the Elmhurst community, service to humanity, and to our great State.

Issued by the Governor March 4, 2008

Filed by the Secretary of State March 7, 2008

PROCLAMATIONS

2008-80

Infant Immunization Awareness Week

WHEREAS, vaccines were named among the 20th Century's most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against a number of potentially serious diseases; and

WHEREAS, national immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and

WHEREAS, National Infant Immunization Week (NIIW) focuses local and national attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and

WHEREAS, since 1994, NIIW has served as a call to parents, caregivers, and healthcare providers to participate in activities and events to increase the awareness of immunizing children before their 2nd birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and

WHEREAS, the week of April 19 – 26, 2008 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 19 – 26, 2008 as **INFANT IMMUNIZATION AWARENESS WEEK** in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and urge public and private health care providers, parents, and children's caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor March 4, 2008

PROCLAMATIONS

Filed by the Secretary of State March 7, 2008

2008-81**Child Abuse Prevention Month**

WHEREAS, no child should have to endure mistreatment or abuse, especially at the hands of an adult. However, the unfortunate truth is that far too often children are abused and neglected by the very people that should protect and care for them; and

WHEREAS, studies show that child abuse and neglect can ruin children's lives by making them more likely to drop out of school, suffer from drug and alcohol abuse, and ultimately become abusers themselves; and

WHEREAS, discovering solutions to child abuse and neglect requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois; and

WHEREAS, it is important that society learns to recognize the warning signs that a child might be abused or neglected. These include: nervousness around adults; aggression toward children or adults; frequent or unexplained bruises or injuries; low self-esteem; and poor hygiene; and

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 111,742 reports in Fiscal Year 2007; and

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois, Strengthening Families Illinois, Parents Share & Care of Illinois, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2008 as **CHILD ABUSE PREVENTION MONTH** in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor March 4, 2008

Filed by the Secretary of State March 7, 2008

2008-82

PROCLAMATIONS

Community Banking Week

- WHEREAS, for over a century, Illinois community banks and thrifts have acted as a community partner for local business, industry and individuals; and
- WHEREAS, nearly 700 locally owned and/or operated community banks and thrifts with thousands of banking offices in Illinois have upheld a tradition of giving back to the communities they serve; and
- WHEREAS, on average, more than 95 percent of a community financial institution's loan portfolio is reinvested in the local area as farm, commercial, small business and residential loans; and
- WHEREAS, Illinois community banks and thrifts employ more than 20,000 workers who work to serve over two million account holders conscientiously and competitively; and
- WHEREAS, Illinois community banks and thrifts are among the safest and well-capitalized banks in the nation; and
- WHEREAS, this year the Community Bankers Association of Illinois is celebrating its 34th year of service to Illinois community banks:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6-12, 2008 as **COMMUNITY BANKING WEEK** in Illinois in recognition of the benefits of the community banking system to local economies.

Issued by the Governor March 5, 2008

Filed by the Secretary of State March 7, 2008

2008-83**Fair Housing Month**

- WHEREAS, April 11, 2008 marks the 40th anniversary of the passage of the U.S. Fair Housing Act, which enunciated a national policy of fair housing and today bars discrimination based on race, color, religion, national origin, gender, familial status or disability; and
- WHEREAS, this year also marks the 29th anniversary of the passage of the Illinois Human Rights Act, which also bars discrimination in housing based on age, citizenship, ethnicity, gender, race, disability and religion. The Act was expanded in 2005 to include sexual orientation; and

PROCLAMATIONS

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; and

WHEREAS, decent, safe and affordable housing is part of the American dream and a goal of all Illinois residents; and

WHEREAS, economic stability, community health and human relations in all communities of the State of Illinois are improved by diversity and integration; and

WHEREAS, stable, integrated and balanced residential patterns are threatened by discriminatory acts and unlawful housing practices that result in segregation of residents and opportunities in Illinois communities; and

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, financial institutions, elected officials, state agencies and others must be combined to promote and preserve integration, fair housing and equal opportunity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2008 as **FAIR HOUSING MONTH** in Illinois in commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, as well as to promote integration and equal housing opportunities for everyone and urge all Illinois residents to embrace diversity, recognize the importance of equal opportunity in housing, and to promote appropriate activities by private and public entities intended to provide or advocate for integration and equal housing opportunities for all residents and prospective residents of the State of Illinois.

Issued by the Governor March 6, 2008

Filed by the Secretary of State March 7, 2008

2008-84**Plumbing Industry Week**

WHEREAS, the professional plumber plays a vital role in protecting the health, safety and comfort of society; and

WHEREAS, professional plumbers are leaders in new technologies that improve and maintain the essential infrastructure our country so desperately depends on; and

PROCLAMATIONS

WHEREAS, in addition to numerous contributions in the areas of public health and safety, the plumbing industry has also played a part in codifying city and state plumbing codes, including the Illinois Plumbing License Law; and

WHEREAS, the plumbing industry plays a significant role in our economy as well, as the majority of plumbing contractors are small business owners; and

WHEREAS, the Plumbing-Heating-Cooling Contractors National Association (PHCC) represents the approximately 4,100 contractors and 85,000 technicians in the United States. This year the PHCC is celebrating its 125th anniversary; and

WHEREAS, the anniversary celebration will culminate with the observance of National Plumbing Industry Week, April 27-May 3, in conjunction with the PHCC's 2008 Leadership and Legislative Conference; and

WHEREAS, these events will focus attention on the role of the plumbing-heating-cooling industry in safeguarding the nation's environment and the safety, health and comfort of its people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 27 – May 3, 2008 as **PLUMBING INDUSTRY WEEK** in Illinois in recognition of the 125th anniversary of the PHCC and of the important work of plumbing-heating-cooling professionals.

Issued by the Governor March 7, 2008

Filed by the Secretary of State March 7, 2008

2008-85**Silver Star Day**

WHEREAS, the State of Illinois has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date, The Silver Star Families of America has freely given out hundreds of Silver Star Banners to the wounded and their families; and

PROCLAMATIONS

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this State and Country with Silver Star Banners, Flags, and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is to honor the blood sacrifice of our wounded with a Silver Star Banner that can be used in a window or a Silver Star Flag for passersby to recognize the sacrifice by that Armed Service member; and

WHEREAS, the State of Illinois joins The Silver Star Families of America in their commitment to make sure that the sacrifice of so many in our Armed Forces never be forgotten:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2008 as **SILVER STAR DAY** in Illinois, and encourage all citizens to join in the mission of The Silver Star Families of America and honor all of our wounded Armed Service members.

Issued by the Governor March 7, 2008

Filed by the Secretary of State March 7, 2008

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