

2011

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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.63 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: In accordance with provisions of 7 CFR 273.9, the Department is required to submit its annual review of the standard utility allowances to the USDA Food and Nutrition Service (FNS) for approval. This rulemaking will help expedite the implementation of utility allowance changes that will be part of an annual update approved by the USDA Food and Nutrition Service. It removes the SNAP Utility Standard dollar amounts for the Air Conditioning/Heating Standard, Limited Utility Standard, Single Utility Standard and the Telephone Standard but leaves the definitions of all utility standards in the rule.
- 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>
121.63	Amendment	34 Ill. Reg. 8852; July 9, 2010
121.10	Amendment	34 Ill. Reg. 13597; September 24, 2010
121.20	Amendment	35 Ill. Reg. 1856; February 4, 2011
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
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121.64	Food Stamp Benefit Amount

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121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or SNAP Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses for SNAP Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Simplified Reporting Redeterminations
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.136 Food and Nutrition Act of 2008
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

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- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
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121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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NOTICE OF PROPOSED AMENDMENT

effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

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a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$142. The standard deduction for a household size of four persons is \$153. The standard deduction for a household size of five persons is \$179. For households of six or more persons, the standard deduction is \$205.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).

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- 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$458.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the

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household.

- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) ~~of \$29~~; and
 - C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
- 3) A standard must be used if the household is billed for utilities. [Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service \(FNS\)](#). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance ~~of \$324~~. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance ~~of \$199~~. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance ~~of \$43~~. If only a separately-billed telephone expense is claimed, the basic telephone ~~standard allowance of \$29 per month~~ will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard. [The amount of each standard allowance is on the DHS website at http://www.dhs.state.il.us/page.aspx?item=16170](http://www.dhs.state.il.us/page.aspx?item=16170).

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- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households ~~that~~which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. The medical expenses incurred by the qualifying household member ~~that~~which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1120.01	Amendment
1120.05	Amendment
1120.08	Amendment
1120.15	Amendment
1120.525	Amendment
1120.1002	Amendment
1120.2005	Amendment
1120.2010	Amendment
1120.2015	Amendment
1120.2020	Amendment
1120.2025	Amendment
1120.2030	Amendment
1120.2035	Amendment
1120.2040	Amendment
1120.2050	Amendment
1120.2060	Amendment
1120.2560	Repeal
1120.2580	New Section
1120.4545	Amendment
1120.4550	Amendment
1120.5510	Amendment
1120.5520	Amendment
1120.5555	New Section
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments further define terms, provide the structure for the execution and oversight of procurements, specify the required documentation of procurement actions, specify publication in the Illinois Procurement Bulletin of explanation of awards to other than the low bidder and the content of the explanation, restrict amendments to sole economically feasible source procurements of professional and artistic services, limit the scope of emergency conditions for emergency purchases, specify the requirements for an extension of an emergency purchase, provide requirements for publication of professional

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and artistic procurements, expand reasons for the cancellation of a solicitation, provide requirements for presolicitation assistance prepared by a person outside of State personnel, change permissible duration of contracts, provide the requirement for disclosure of subcontractors, change definition of small business, change goals for minority and female owned businesses, add that subcontractors' performance may be reviewed and the procedures for review, provide for debarment or suspension of subcontractors, and provide procedures for hearings and decisions of hearings.

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

Alissa J. Camp
General Counsel
Office of the Comptroller
Room 201 Statehouse
Springfield, IL 62706

217/782-0905
CampAJ@mail.ioc.state.il.us

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

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

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XIV: COMPTROLLER

PART 1120

OFFICE OF THE COMPTROLLER STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	
1120. 01	Title
1120. 05	Policy
1120. 08	Illinois Procurement Code
1120.10	Application
1120.15	Definitions of Terms Used in this Part
1120.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	
1120.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	
1120.1002	Conduct <u>and Oversight</u> of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	
1120.1510	Illinois Procurement Bulletin
1120.1560	Supplemental Notice
1120.1570	Error in Notice
1120.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	
1120.2005	General Provisions

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- 1120.2010 Competitive Sealed Bidding
- 1120.2012 Multi-Step Sealed Bidding
- 1120.2015 Competitive Sealed Proposals
- 1120.2020 Small Purchases
- 1120.2025 Sole Economically Feasible Source Procurement
- 1120.2030 Emergency Procurements
- 1120.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1120.2036 Other Methods of Source Selection
- 1120.2037 Tie Bids and Proposals
- 1120.2038 Mistakes
- 1120.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION, AND RESPONSIBILITY

Section

- 1120.2043 Suppliers
- 1120.2044 Vendor Lists
- 1120.2045 Prequalification
- 1120.2046 Responsibility

SUBPART G: BID, PROPOSAL, AND PERFORMANCE SECURITY

Section

- 1120.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 1120.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 1120.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

- 1120.2060 Duration of Contracts – General

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SUBPART K: CONTRACT MATTERS

Section

- | 1120.2560 Prevailing Wage (~~Repealed~~)
- | 1120.2570 Equal Employment Opportunity: Affirmative Action
- | 1120.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

- 1120.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION-RELATED PROFESSIONAL SERVICES

Section

- 1120.3005 Construction and Construction-Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

- 1120.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section

- 1120.4505 Procurement Preferences
- 1120.4510 Resident Bidder Preference
- 1120.4530 Correctional Industries
- 1120.4535 Sheltered Workshops for the Disabled
- 1120.4540 Gas Mileage
- 1120.4545 Small Business
- 1120.4550 Contracting with Business Owned and Controlled by Minorities, Females, and Persons with Disabilities

SUBPART P: ETHICS

Section

- 1120.5013 Conflicts of Interest
- 1120.5015 Negotiations for Future Employment

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- 1120.5020 Exemptions
- 1120.5030 Revolving Door
- 1120.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1120.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- | 1120.5510 Complaints Against Vendors or Subcontractors
- 1120.5520 Suspension
- 1120.5530 Settlement and Resolution of Contract and Breach
- 1120.5540 Violation of Statute or Rule
- 1120.5550 Protests
- | 1120.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1120.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1120.6500 General
- 1120.6510 State Use of Other Contracts
- 1120.6520 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1120.7000 Severability
- 1120.7010 Government Furnished Property
- 1120.7015 Inspections
- 1120.7020 Records and Audits
- 1120.7025 Written Determinations
- 1120.7030 No Waiver of Sovereign Immunity

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AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12087, effective July 1, 1998, for a maximum of 150 days; emergency expired November 27, 1998; adopted at 23 Ill. Reg. 858, effective January 8, 1999; amended at 25 Ill. Reg. 14380, effective November 10, 2001; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1120.01 Title

This Part may be cited as the Comptroller's Procurement Rules.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.05 Policy

All procurements for the Office of the Comptroller (IOC) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.08 Illinois Procurement Code

Articles 1, 15, 20, 25, 30, 33, 35, 40, 43, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 500/Arts. 1, 15, 20, 25, 30, 33, 35, 40, 43, 45, 50, and 53] (the Code) will be referenced in this Part ~~as though applicable to the IOC, and needs shall be procured in a manner substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.~~ The Office of the Comptroller shall procure its needs in a manner substantially in accordance with the requirements of the Code and shall promulgate rules no less restrictive than the requirements of the Code. [30 ILCS 500/1-30(a)] For purposes of this Part, any reference in the Code or this Part to the Chief Procurement Officer (CPO) means the employee designated by the Comptroller to serve in that capacity or his/her designee. The Comptroller may appoint one or more State Purchasing Officers (SPOs).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 1120.15 Definitions of Terms Used in ~~this~~ Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined ~~in this Section below~~, and each term listed in this Section shall have the meaning set forth ~~in this Section below~~ unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" – A written unilateral or bilateral modification to a contract term, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including but not limited to such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract.

"Award" – The selection of a vendor for a contract.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person other than an individual acting as a sole proprietor who submits a bid.

"Bidder or Offeror Authorized to do Business in Illinois" – A person (other than an individual acting as a sole proprietor) that is a legal entity authorized to do business in Illinois by the SOS Department of Business Services.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" – The Illinois Procurement Bulletin.

"Change Order" – A change order shall have the same meaning as an "amendment".

"Chief Procurement Officer" or "CPO" means the Chief Procurement Officer for the Office of the Comptroller.

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"Chief Procurement Officer for General Services" or "CPO-GS" means the Chief Procurement Officer for General Services appointed by the Executive Ethics Commission under Section 1-15.15 of the Code.

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

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: supplies goods or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds, ~~or contracts relating to bonds~~ issued by or on behalf of any State agency ~~when the contractor or vendor is neither selected nor paid by, or contracts, other than for "concessions", that the State agency signs. The term "contract" includes, but has no financial obligation to the other parties is not limited to, purchase, installment purchase, lease and rental contracts.~~

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" – Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"DCMS" – The Department of Central Management Services.

"IOC" – The Office of the Comptroller.

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"Items" – Anything that may be procured under the Code.

"Invitation for Bids" or "IFB" – The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Multi-Year Contract" – A contract with a performance term of more than 12 months.

"Offeror" – A person who responds to an Invitation for Bids, Request for Proposals or other form of solicitation.

"Procurement Officer" – The Chief Procurement Officer (CPO) or, appropriate State Purchasing Officer (SPO) who conducts the particular procurement~~SPO, or a designee of either who is charged with conducting a particular procurement.~~

"Proposal" – The response to a Request for Proposals.

"Protest Review Office" – The office address of the person designated in the solicitation documents to which protests must be directed. The person designated in the solicitation documents will respond to or coordinate the response to the protest.

"Qualified Products List" – An approved list of supplies, ~~services, or construction items~~, described by model or catalogue numbers, that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Renewal" – An extension of an original contract with materially identical terms to the original contract.

"Request for Information" or "RFI" – The process by which a purchasing agency requests information from offerors for all State contracts for leases of real property or capital improvements.

"Request for Proposals" or "RFP" – The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

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"Responsible Bidder or Offeror" – A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time the bid or proposal is submitted for State contract.

"Reverse Auction" – A source selection technique that allows for purchase of supplies or services through a competitive auction process. A reverse auction allows bidders to electronically submit prices for an Invitation for Bids during a predefined time period and is designed to obtain the lowest cost for supplies and services.

"Service" – The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance [30 ILCS 500/1-15.90], and the financing of that labor, time or effort.

"Solicitation" – An Invitation for Bids, a Request for Proposals or other request to one or more vendors to respond to a procurement need expressed by the State.

"Specification" – Any description of the physical, functional, or performance characteristics of, or of the nature of, a supply, service, or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"State" – The Office of the Comptroller.

"Subcontract" – A contract between one person and another person who has or is seeking a contract subject to the Code, pursuant to which the subcontractor provides to the contractor some or all of the goods, services, property, remuneration or other form of consideration that are the subject of the primary contract, and includes, among other things, subleases from a lessee of a State agency.

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"Subcontractor" – A person or entity that enters into a contractual agreement, for an amount greater than the small purchases limits set by Section 20-20 of the Code (or an amount set by rule pursuant to Section 20-20(c) of the Code) or Section 35-35 of the Code or Section 45 of the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535/45], with a contractor who has or is seeking a contract subject to the Code, to provide the contractor some or all of the goods, services, property, remuneration or other form of consideration that are the contractor's contractual obligations.

"Supplies" or "Goods" – All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: PROCUREMENT RULES

Section 1120.525 Rules

- a)** To the extent practicable, the IOC may avail itself of master, scheduled or open-ended contracts established by DCMS; items available from the Paper and Printing Warehouse; and DCMS contracts for telecommunications equipment, software and services, paper and envelopes, and vehicles and vehicle services. The CPO or SPO may submit purchase requests to DCMS in accordance with rules promulgated by DCMS.
- b)** The IOC shall procure its capital needs in a manner substantially in accordance with the requirements of this Part and will promulgate rules specifically for capital construction that are no less restrictive than the requirements of the Code. Until specific Comptroller rules can be promulgated for this purpose, the IOC will conform its capital procurement activities to the requirements of the Code by following the administrative rules of the Capital Development Board (44 Ill. Adm. Code 910, 950 and 980) and DCMS (44 Ill. Adm. Code 1).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART C: PROCUREMENT AUTHORITY

Section 1120.1002 Conduct and Oversight of Procurements

- a) Chief Procurement Officer. The Comptroller ~~or his/her designee~~ shall designate a CPO ~~serve as CPO~~ for purposes of the Code and this Part, and The CPO may conduct any or all procurements on behalf of the IOC. The CPO shall have at least 5 or more years of experience in state or corporate budgeting activities, or shall be a certified professional public buyer or certified public purchasing officer. The CPO shall be a resident of the State of Illinois and shall owe a fiduciary duty to the State. The CPO is responsible for signing all written award determination letters stating the reasoning for any contract award decision. The CPO shall perform other duties as required by law. ~~The CPO may appoint one or more SPOs to conduct procurement in accordance with the terms of the appointment and this Part.~~
- b) State Purchasing Officer. The Comptroller may appoint one or more State Purchasing Officers (SPOs) to conduct procurement in accordance with the terms of the appointment and this Part. The employee performing the duties of the SPO shall be classified as a Merit Compensation employee and, upon attaining certified status, shall have the employment protections afforded that status. SPOs must be certified as a professional public buyer or a public purchasing officer by the Universal Public Purchasing Certification Council within 18 months after appointment. In the absence of an SPO, the CPO may designate a temporary acting SPO. The SPO shall exercise procurement authority at the direction of the CPO, and the decisions of an SPO are subject to review by the CPO. The SPO may enter into contracts for the IOC. The SPO shall perform other duties as required by law.
- c) Procurement Compliance Monitor. The Comptroller Ethics Officer, appointed pursuant to the State Officials and Employees Ethics Act [15 ILCS 430], or his or her designee, shall serve as the Procurement Compliance Monitor. If a designee is appointed to serve as the monitor, that designee shall be classified as a Senior Public Service Administrator or above and, upon attaining certified status, shall have the employment protections afforded that status. It shall be the duty of the monitor to oversee and review the procurement processes. The monitor shall have direct communication with the Comptroller. The monitor shall:

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- 1) have the right to review all contracts, attend any procurement meeting, and access reports and files;
 - 2) issue reports to the CPO regarding outstanding procurement problems;
 - 3) ensure transparency and compliance with procurement laws;
 - 4) report findings of waste to IOC departments. If the department does not correct circumstances causing the waste, the monitor shall report to the CPO and the Inspector General; and
 - 5) perform other duties as required by law.
- d) Procurement Policy Board. The Comptroller shall appoint an Office of the Comptroller Procurement Policy Board (IOC PPB). The IOC PPB shall consist of 5 members. In making appointments to the IOC PPB, the Comptroller shall consider an individual's knowledge and experience in State government procurements and operations. The members shall receive no additional compensation for serving on the IOC PPB other than reimbursement for expenses. Except as provided in subsection (e), the IOC PPB shall:
- 1) meet a minimum of three times annually and be contacted in writing prior to the publication of any RFI exceeding \$10,000;
 - 2) be authorized to review, comment upon, and recommend rules and practices governing the procurement, management, control and disposal of supplies, services, professional or artistic services, construction, and capital improvements procured by the IOC;
 - 3) be authorized to review any proposal, bid or contract, and may issue recommendations regarding procurement matters;
 - 4) be notified by the CPO if a conflict of interest is identified, discovered or reasonably suspected to exist. In the event of a notification, the IOC PPB is to recommend action and give its recommendation to the CPO and Comptroller. The IOC PPB's recommendation shall be published in the Procurement Bulletin;

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- 5) report to the Inspector General whenever the PPB has cause to believe there has been a violation of the Procurement Code; and
- 6) perform other duties as required by law.
- e) Chief Internal Auditor. The Comptroller shall appoint a chief internal auditor. The auditor must have a Bachelor's degree, and must be either a certified internal auditor, or a certified public accountant with at least 4 years of auditing experience, or an auditor with 5 years of experience. The chief internal auditor shall report directly to the Comptroller. Subject to the approval of the Comptroller, and consistent with the Fiscal Control and Internal Auditing Act [30 ILCS 10], the chief internal auditor shall:
 - 1) direct the internal audit functions and activities;
 - 2) prepare audit reports and assess program goals;
 - 3) be responsible for the preparation of an annual audit plan for submission to and subject to the approval of the Comptroller; and
 - 4) perform other duties as required by law.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1120.2005 General Provisions

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications:
 - 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the IOC shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.

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- 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the Procurement Officer, and not a designee, determines it would have been timely but for the action or inaction of IOC personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 3) Records. Records shall be made and in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time-
- 1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal ~~or modifying or withdrawing a bid or proposal may be extended by the IOC prior to such~~, extend the date or time for the convenience of the IOC. ~~Reasons for extension include, but are not limited to, allowing additional time for submissions to account for inclement weather, labor strikes, accidents and other such reasons.~~
 - 2) After opening bids or proposals, the Procurement Officer ~~CPO or SPO~~ may request bidders or offerors who submitted timely bids or proposals to extend the time during which the IOC may accept bids or proposals, provided that, with regard to bids, no other change is permitted. The reasons for requesting such extension shall be documented. This extension does not provide an opportunity for others to submit bids or proposals.
- c) Electronic and Facsimile Submissions-
- 1) The Invitation for Bids ~~(IFB)~~ or Request for Proposals ~~(RFP)~~ may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.
 - 2) Electronic submissions authorized by specific language in the IFB or RFP

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will be opened in accordance with electronic security measures in effect at the IOC at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

- 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) ~~Intent to Submit-~~

The ~~IFB Invitation for Bids~~ or the ~~RFP Request for Proposals~~ may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

e) ~~Only One Bid or Proposal Received-~~

If only one bid or proposal is received, an award may be made to the single bidder or offeror if the ~~Procurement Officer~~ ~~CPO or SPO~~ finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

- 1) new bids or offers may be solicited, including under sole source (Section 1120.2025) or emergency (Section 1120.2030) procedures;
- 2) the procurement may be canceled; or
- 3) if the CPO or SPO determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted with any vendor under Section 1120.2025 (~~Sole Economically Feasible Source Procurement~~) or Section 1120.2030 (~~Emergency Procurements~~), as appropriate. The CPO or SPO shall attempt to negotiate the price to a more acceptable level.

f) ~~Alternate or Multiple Bids or Proposals-~~

- 1) Alternate bids or proposals may be accepted if:

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- A) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1120.2025 (~~Sole Economically Feasible Source Procurement~~) of this Part; or
 - C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications; ~~or~~
 - ~~D) a vendor clearly indicates a primary submission, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.~~
- 2) Multiple bids or proposals may be accepted if:
- A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
 - B) only one vendor responded, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.
- 3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.
- g) Multiple Items:
An ~~IFB Invitation for Bids~~ or ~~RFP Request for Proposals~~ may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
 - h) "All or None" Bids or Proposals:
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be in the State's best interest.

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- i) **Conditioning Bids or Proposals Upon Other Awards-**
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
- 1) be rejected unless the vendor removes the condition; or
 - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.
- j) **Unsolicited Offers-**
- 1) **Processing of Unsolicited Offers.** The Procurement Officer~~CPO or the SPO~~ may consider unsolicited offers and shall have final authority with respect to evaluation, acceptance and rejection of such unsolicited offer.
 - 2) **Conditions for Consideration.** An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
 - 3) **Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part, except if that unsolicited offer meets the requirements for a small, sole source or emergency procurement.**~~**Evaluation. The unsolicited offer may be evaluated to determine its utility to the State and whether it would be to the State's advantage to enter into a contract based on such offer. An unsolicited offer that meets the requirements set forth above may be considered for award if the procurement also meets the requirements of Section 1120.2025 (Sole Economically Feasible Source Procurement) or Section 1120.2020 (Small Purchases), in which case those procedures shall be followed as applicable.**~~
 - 4) **Confidentiality.** Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If agreement cannot be reached on confidentiality, the IOC shall reject the unsolicited offer.
- k) **Clarification of Bids and Proposals-**

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The ~~Procurement Officer~~IOC may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification.

- l) ~~Extension of Time on Indefinite Quantity Contracts-~~
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the ~~Procurement Officer~~CPO ~~or the SPO~~ determines in writing that it is not practical to award another contract at the time of such extension. A clarification is not an opportunity for discussion or for submission of best and finals as authorized elsewhere in this Part.
- m) ~~Increase in Quantity on Definite Quantity Contracts-~~
- 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the ~~Procurement Officer~~CPO ~~or SPO~~ determines that separate bidding for the additional quantity is not likely to achieve lower pricing.
 - 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.
- n) Subsequent Purchase Request
If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of the IOC, the SPO receives a purchase request for the same item and for the same or lesser quantity, the SPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.
- ~~on~~) ~~Novation or Change of Name-~~
- 1) ~~Assignment. No IOC contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer~~CPO; however, a vendor may assign monies receivable under a contract after due notice to the IOC. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the IOC.

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- 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
- A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the IOC; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the IOC, furnish a satisfactory performance bond.
- 3) Change of Name. ~~A~~ When a vendor may submit to the Procurement Officer a written request requests to change the name in which it holds a contract with the State. ~~The name IOC, the CPO shall, upon receipt of a document indicating such change of name, enter into an agreement with shall not alter any of the requesting vendor to effect such a change of name. The agreement changing the name shall specifically indicate that no other terms and conditions of the contract or the obligations of the vendor are thereby changed.~~
- ~~p~~ o) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
- ~~q~~ q) Use of Source Selection Method that is Not Required
If IOC uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the IOC is not bound to strict compliance with the Code and rules governing the method of source selection used.
- ~~r~~ r) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.

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- s) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
- t) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Freedom of Information Act [5 ILCS 140] and must request special handling of that material.
- u) Documentation of Procurement Actions
Each SPO shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:
 - 1) Procurement Business Case, signed by the CPO or SPO, that establishes the reason for the contract decision or other form of decision memo showing CPO or SPO approvals to proceed with the contract award;
 - 2) Procurement Bulletin postings;
 - 3) Solicitation document (e.g., IFB) and all amendments, clarifications and Best & Final requests;
 - 4) Vendors' responses, including clarifications and responses to Best & Final requests;
 - 5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision);
 - 6) Protest and resolution;
 - 7) Contract and any order, change, amendments, renewal or extension;
 - 8) Contractor Performance Reviews;

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9) All information from subsections (u)(1) through (8), less information exempt from disclosure under the Freedom of Information Act [5 ILAC 140], shall be prepared and available for inspection and copying, with information from subsections (u)(1) through (5) available on the date any award is posted to the Procurement Bulletin.

v) Communications Related to Procurement

1) Any IOC employee who receives a written or oral communication that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including but not limited to an application, a contract or a project, shall report the communication to the IOC PPB.

2) A communication must be reported if it is material, regarding potential action, relating to a procurement matter and not otherwise excluded from reporting.

A) Materiality

i) "Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance.

ii) A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or response to a communication initiated by an employee of the State for the purpose of providing information to evaluate new products, trends, services or technologies.

iii) In determining whether a communication is material, the State employee must consider:

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- 4)
 - whether the information conveyed is new or already known to the State agency (or repeated or restated privately) and other participants in the communication; and
 - the likelihood that the information would influence a pending procurement matter.

B) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.

C) "Procurement matters", unless otherwise excluded, are the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property in which the State is the lessor or lessee, or capital improvements, and include master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Procurement matters are activities that occur during the time period beginning with the time the IOC has identified a need for procurement as documented by the initiation of a Procurement Business Case or equivalent document, as designated by the CPO, and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or IOC PPB review period, if applicable. Procurement matters include:

- i) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;
- ii) drafting, reviewing or preparing any IFB, RFI, RFP, sole source procurement justifications, emergency procurement justifications or selection information;
- iii) evaluating bids, responses and offers, other communications among members of an evaluation team

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and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;

iv) letting or awarding a contract;

v) resolving protests;

vi) determining inclusion on prequalification lists or prequalification in general;

vii) indentifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;

viii) allowing a [contract](#) or subcontract pursuant to Section 50-60 of the Code; and

ix) approving change orders or the renewal or extension of an existing contract.

3) This Section does not apply to the following communications:

A) Communication made in a public forum;

B) Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;

C) Communications regarding the administration and implementation of an existing contract. (See 30 ILCS 500/50-39(a).);

D) Communication between an IOC employee and:

i) the Comptroller;

ii) other State employees of the IOC;

iii) employees of the Executive Ethics Commission; or

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 iv) an employee of another State agency who, through the communication, is either:

- exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate SPO; or
- exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;

 E) Unsolicited communications providing general information about products, services or industry best practices, prior to those products or services becoming involved in a procurement matter;

 F) Communications received in response to procurement solicitations pursuant to the Code, including, but not limited to, vendor responses to an RFI, RFP, Request for Qualifications or IFB or a small purchase, sole source or emergency solicitation, questions and answers posted to the Procurement Bulletin to supplement the procurement action. This exemption is not applicable unless the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines;

 G) Communications that are privileged, protected or confidential under law;

 H) Communications that are part of the formal procurement process as set out by statute, rule or the solicitation, guidance or procedures, such as the posting of procurement opportunities, the process for approving a Procurement Business Case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement process.

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- 4) Notwithstanding any exemption provided in subsection (v)(3), an IOC employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if that communication attempts to influence through duress, coercion, or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.
- 5) Notwithstanding any exemption provided in subsection (v)(3), a State employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.
- 6) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first of a series of related communications described in subsection (v)(2), the State employee shall report the communication to the IOC PPB in accordance with that Board's rules.
- 7) For purposes of this Section, "State employee" means:
- A) any person employed full-time, part-time, or pursuant to a personal services contract with the State and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or
- B) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency; or
- C) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.
- 8) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open

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Meetings Act [5 ILCS 120/2.02], but also other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required. Examples include educational seminars and conferences.

9) For purposes of this Section, "Procurement Business Case" means the initiation of a formal request for approval to procure using the Remedy Action Request System.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2010 Competitive Sealed Bidding

- a) ~~Application-~~
Competitive sealed bidding is the required method of source selection, except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) ~~The Invitation for Bids-~~
 - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) Content. The ~~IFB~~~~Invitation for Bids~~ shall include, at a minimum, the following:
 - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the State, and any other special information;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

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- 3) Incorporation by Reference. The ~~IFB Invitation for Bids~~ may incorporate documents by reference provided that the ~~IFB Invitation for Bids~~ specifies where ~~thosesuch~~ documents can be obtained.
- c) ~~Bidding Time-~~

Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.
- d) ~~Bidder Submissions-~~
 - 1) Bid Form. The ~~IFB Invitation for Bids~~ may provide a form that shall include space in which the bid price shall be inserted and that the bidder shall sign and submit along with all other necessary submissions.
 - 2) Bid Samples and Descriptive Literature-
 - A) Bid samples or descriptive literature may be required when necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the ~~IFB Invitation for Bids~~, and may not be utilized by the vendor to contest a decision or understanding with the State.
- e) ~~Public Notice-~~
 - 1) Publication. Every procurement for ~~suppliesgoods~~ and services in excess of the small purchase limit that must be procured using an ~~IFB Invitation for Bids~~ shall be publicized in the Illinois Procurement Bulletin.
 - 2) Public Availability. A copy of the ~~IFB Invitation for Bids~~ shall be made available for public inspection.
 - 3) Distribution. ~~IFB's Invitations for Bids~~ or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient

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number of bidders for the purpose of securing competition. Notices of Availability shall indicate where ~~IFBs~~Invitations for Bids may be obtained; generally describe ~~what is needed~~the supply or service desired; and indicate the due date for bids; and may contain other appropriate information. When appropriate, the ~~Procurement Officer~~SPO may require payment of a fee or a deposit for supplying the ~~IFB~~Invitation for Bids.

f) ~~Pre-Bid Conference:~~

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the ~~IFB~~Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the ~~IFB~~Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the ~~IFB~~Invitation for Bids unless a change is made by written amendment to the ~~IFB~~Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an ~~IFB~~Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

g) ~~Amendments to Invitations for Bids:~~

- 1) Form. Amendments to ~~IFB~~Invitations for Bids shall be clearly identified and shall reference the portion of the IFB they amend.
- 2) Distribution. Amendments shall be ~~made available~~sent to all prospective bidders known to have received an ~~IFB~~Invitation for Bids.
- 3) Timeliness. Amendments shall be ~~made available~~distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

h) ~~Pre-Opening Modification or Withdrawal of Bids:~~

- 1) Procedure. Bids may be modified or withdrawn by written notice received

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in the office designated in the ~~IFB Invitation for Bids~~ prior to the time and date set for bid opening. A fax modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.

- 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.
- 3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids-

- 1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording-

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the ~~IFB Invitation for Bids~~. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the ~~Procurement Officer~~SPO shall be recorded and the name of each bidder read aloud or otherwise made available. The names of witnesses shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

- 3) Confidential Data. The SPO shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.

j) Bid Evaluation and Award-

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- 1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the ~~IFB Invitation for Bids~~, except as permitted in the Code and this Part. The ~~IFB Invitation for Bids~~ shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the ~~IFB Invitation for Bids~~.
- 2) Responsibility. Responsibility of prospective vendors is covered by Section 1120.2046 (Responsibility) of this Part.
- 3) Responsiveness. A bid must conform in all material respects to the ~~IFB Invitation for Bids~~.
 - A) Product or Service Acceptability. The ~~IFB Invitation for Bids~~ shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:
 - i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
 - ii) examination of such elements as appearance, finish, taste, or feel;
 - iii) other examinations to determine whether the product or service conforms with any other purchase description requirements.
 - B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the ~~IFB Invitation for Bids~~. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

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- 4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the ~~IFB~~Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the IOC has available concerning future use and shall treat all bids equitably. Pricing for optional supplies or services, or for renewal terms, ~~may shall not~~ be considered, particularly when the pricing for the items or terms is unbalanced when compared to other pricing in the bid.
 - 5) Price Negotiation. This Section permits negotiations with the low bidder to obtain a lower price for the item bid.
- k) Documentation of Award:-
Following award, a record showing the successful bidder shall be made a part of the procurement file.
 - l) Award to Other Than Low Bidder:-
 - 1) The SPO may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The written explanation must be published in the appropriate volume of the Procurement Bulletin.
 - 2) The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.
 - 3) The explanation must include:
 - A) a description of the IOC's needs;
 - B) a determination that the anticipated cost will be fair and reasonable;

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- C) a listing of all reasonable and responsive bidders; and
- D) the name of the bidder selected, pricing and the reasons for selecting that bidder.
- 4) The explanation shall be filed with the Legislative Audit Commission and the IOC PPB.
- m) **Publicizing Award-**
The successful bidder shall be notified of award and ~~thesueh~~ notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1120.2020 (Small Purchases), notice of award shall be published in the Bulletin.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2015 Competitive Sealed Proposals

- a) Conditions for Use. When provided under the Code or under this Part, or when the IOC determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the IOC, a contract may be entered into by competitive sealed proposals.
- b) Request for Proposals. Proposals shall be solicited through an RFP.
- c) Public Notice. Public notice of the request for proposals shall be published in the Illinois Procurement Bulletin at least 14 days before the date set in the invitation for the opening of proposals.
- d) Receipt of Proposals. Proposals shall be opened publicly in the presence of one or more witnesses at the time and place designated in the RFP, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and shall be open for public inspection after contract award.
- e) Evaluation Factors. The RFP shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first covering items except price and the second covering price. The first part of all

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proposals shall be evaluated and ranked independently of the second part of all proposals.

- f) Discussion with Responsible Offerors and Revisions of Proposals. As provided in the RFP and under rules, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining Best & Final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.
- g) Award. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the IOC, taking into consideration price and the evaluation factors set forth in the RFP. The contract file shall contain the basis on which the award is made.
- a) Competitive sealed proposals may be used whenever permitted by the Code and as described in this Section.
- b) The competitive sealed proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1120.2035 of this Part):
- 1) electronic data processing equipment, software, and services;
 - 2) telecommunications equipment, software, and services;
 - 3) consulting services; and
 - 4) employee benefits and management of those benefits.
- e) Competitive sealed proposals may be used on a case by case basis when it is determined that competitive sealed bidding is either not practicable or advantageous.

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- 1) ~~"Practicable" Distinguished from "Advantageous". As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and this Section, the term "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the SPO shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.~~
- 2) ~~General Discussion.~~
 - A) ~~If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.~~
 - B) ~~The key element in determining advantageousness is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:~~
 - i) ~~it permits discussions with competing offerors and changes in their proposals, including price; and~~
 - ii) ~~it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.~~
 - C) ~~When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, when the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or when the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.~~
- 3) ~~When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition~~

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~~or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:~~

- ~~A) whether the contract needs to be other than a fixed-price type;~~
- ~~B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;~~
- ~~C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;~~
- ~~D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the IOC. Quality factors include technical and performance capability and the content of the technical proposal; and~~
- ~~E) whether the primary consideration in determining award may not be price.~~

~~4) When Competitive Sealed Bidding Is Not Advantageous.—A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the IOC, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:~~

- ~~A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the IOC; and~~
- ~~B) whether the factors listed in subsection (c)(3) of this Section are desirable in conducting a procurement rather than necessary.~~

d) ~~Content of the Request for Proposals.—The Request for Proposals shall be prepared in accordance with Section 1120.2010 (Competitive Sealed Bidding) provided that it shall also include:~~

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- 1) ~~a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and~~
 - 2) ~~a statement of when and how price should be submitted.~~
- e) ~~Receipt and Registration of Proposals.~~
- 1) ~~Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a State employee or by any other person present but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.~~
 - 2) ~~Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.~~
- f) ~~Evaluation of Proposals.~~
- 1) ~~Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance.~~
 - 2) ~~Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required.~~
 - 3) ~~Classifying Proposals. For the purpose of conducting discussions, proposals shall be initially classified as:~~
 - A) ~~acceptable;~~
 - B) ~~potentially acceptable, that is, reasonably susceptible of being made acceptable; or~~

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~~€) unacceptable.~~

~~Offerors whose proposals are unacceptable shall be so notified promptly.~~

~~g) Proposal Discussions with Individual Offerors.~~

~~1) "Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses who submitted unacceptable proposals.~~

~~2) Purposes of Discussions. Discussions are held to:~~

~~A) promote understanding of the State's requirements and the offerors' proposals; and~~

~~B) facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.~~

~~3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.~~

~~4) Best and Final Offers. The SPO may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The SPO may conduct additional discussions or change the IOC's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediate previous offer will be construed as its best and~~

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~~final offer.~~

- h) ~~Award.~~
~~An award shall be made by the SPO pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.~~
- i) ~~Publicizing Awards.~~
~~After a contract is awarded, notice of award shall be posted in the SPO's office. When the award exceeds the small purchase limit set in Section 1120.2020 of this Part, notice of award shall be published in the Bulletin.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2020 Small Purchases

- ~~a) Amount. Any individual procurement of supplies or services, other than professional or artistic services, not exceeding \$10,000 and any procurement of construction not exceeding \$30,000 may be made without competitive sealed bidding. Procurements shall not be artificially divided so as to constitute a small purchase under this Section.~~
- ~~b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the U.S. Department of Labor and rounded to the nearest \$100.~~
- ~~c) Based upon rules proposed by the Board and rules promulgated by the Chief Procurement Officer, the small purchase maximum established in subsection (a) may be modified.~~
- a) ~~Application.~~
- ~~1) Procurements of supplies or services that cost less than the small purchase limit, other than professional and artistic, may be made without notice, competition or use of any prescribed method of source selection.~~
 - ~~2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made~~

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~~without notice, competition or use of any prescribed method of source selection.~~

- b) ~~In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals shall be utilized. The stated value of the goods or services, plus any optional goods and services, shall be utilized. When the term is calculated month to month or in a similar fashion, the amount shall be calculated for a twelve month period.~~
- e) ~~Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.~~
- d) ~~If, after signing the contract, the actual need is determined to exceed the small purchase limit, and the IOC determines that reprocurement is not appropriate, the procedures for sole source or emergency procurement, whichever is applicable, must be complied with to obtain additional supplies or services.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2025 Sole Economically Feasible Source Procurement

- a) ~~Application:~~
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1120.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1120.2030 (Emergency Procurements).
- b) ~~Conditions for Use of Sole Source Procurement:~~
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
 - 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

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- 2) a sole supplier's items are needed for trial use or testing;
- 3) a sole supplier's item is to be procured for commercial resale;
- 4) public utility regulated services are to be procured;
- 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent; ~~and~~
- 6) the procurement of media for advertising;
- 7) the procurement of art or entertainment services; and
- 8) changes to existing contracts (see subsection (c)).
- ~~6) extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.~~

c) Changes-

- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation ~~Changes to existing contracts germane~~ to the original contract or program ~~project~~ that are necessary or desirable to complete the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.
- 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1120.2020 of this Part or that is an emergency as defined in Section 1120.2030 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

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- d) Procurement Officer~~SPO~~ to Determine-
- 1) The determination as to whether a procurement shall be made as a sole source shall be made by the Procurement Officer~~SPO~~. ~~The~~Such determination and the basis for the determination~~therefore~~ shall be in writing. ~~The Procurement Officer~~Such officer may specify the application of ~~the~~such determination and the duration of its effectiveness.
 - 2) Any purchase request submitted to the CPO suggesting~~SPO~~ that a procurement be restricted to one potential vendor shall be accompanied by an explanation as to why no other vendor will be suitable or acceptable to meet the need.
- e) Publication of Sole Source Notice-
- The Procurement Officer~~Purchasing Agency~~ shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.
- 1) If no challenge to this determination is made by a vendor within the 14 day period, the Procurement Officer~~SPO~~ may execute a contract with that vendor.
 - 2) If a challenge is received, the Procurement Officer~~SPO~~ shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and~~SPO is convinced~~ the sole source designation is, therefore, not appropriate, unless an emergency situation ~~now~~ exists.
- f) Negotiation in Sole Source Procurement-
- The Procurement Officer~~SPO~~ shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:
- 1) the vendor's name;
 - 2) the amount and type of the contract;
 - 3) a listing of the supplies, services, or construction procured under each

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contract; and

- 4) the identification number of the contract file.

g) Prohibition Against Amending a Contract for Professional or Artistic Services
The provisions of this Part shall not apply to an amendment to a contract for professional or artistic services if:

- 1) there is an increase in the amount paid under the contract of more than 5% of the initial award; or
- 2) the term of the contract would extend by a period not to exceed the time reasonably needed for a competitive procurement or 2 months, whichever is less.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2030 Emergency Procurements

- a) **Applications-**
The provisions of this Section apply to every procurement over the small purchase limit set in Section 1120.2020 (Small Purchases), that is not a sole source procurement under Section 1120.2025, made under emergency conditions.
- b) **Definition of Emergency Conditions-**
Procurements may be made under this Section ~~1120.2030~~ in the following circumstances:
- 1) Traditional circumstances include but are not limited to:
- A) public health or safety, including the health or safety of any particular person, is threatened;
- B) repairs to IOC property are needed to protect against further loss or damage to IOC property, or to prevent loss or damage to IOC property;
- C) action is needed to prevent or minimize serious disruption in State services;

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- D) action is needed to ensure the integrity of State records;
 - E) a supplier of goods or services announces bankruptcy, going out of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is in the State's best interest;
 - F) items are available on the spot market or at discounted prices available for a limited time such that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - G) legal services to assist an agency in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority that are needed sooner than the competitive process would allow;
 - H) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State~~immediate action is needed to protect the interests of the State; or~~
 - I) extending a contract is needed to conduct a competitive method of source selection;-
 - J) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or
 - H) immediate action is necessary to protect the collection of substantial State revenue.
- 2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency

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procurement may be made.

- 3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.
- 4) Quick Purchase
 - A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;
 - B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - C) ~~Availability~~availability of rare items such as books of historical value;
 - D) ~~The~~ procurement is for entertainment.
- c) Scope of Emergency Conditions:
 - 1) Emergency procurement shall be limited to ~~the~~those supplies or services, quantity and term reasonably necessary to meet the emergency.
 - 2) Emergency procurements shall be limited to the time reasonably needed for a competitive procurement, but in no event shall that time exceed 90 days unless the CPO determines additional time is needed.
 - 3) In the event an emergency procurement exceeds 90 days, the contract scope and duration may be extended. The extension shall be limited in items, quantity and days.
- d) Authority to Make Emergency Procurements:
Authority to make emergency procurements is established by subsection

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~~(c) Emergency procurements may be made when an emergency condition arises and the need cannot be met through normal procurement methods~~, provided that, whenever practical, existing IOC contracts shall be utilized and, whenever practical, approval by the ~~Procurement Officer~~SPO shall be obtained prior to the procurement. The ~~Procurement Officer~~CPO or SPO shall be responsible for making the filings required in Section 20-30 of the Code.

- e) ~~Source Selection Methods-~~
Any method of source selection, whether or not identified in the Code or this Part, may be used to conduct the procurement in emergency situations. Such competition as is practicable shall be obtained.
- f) ~~Determination and Record of Emergency Procurement-~~
- 1) ~~Determination.~~ The ~~Procurement Officer~~CPO or SPO shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. ~~The~~Such determinations shall be kept in the contract file with a copy sent promptly to the CPO.
 - 2) ~~Record.~~ An affidavit of each emergency procurement shall be filed by the CPO with the IOC PPB and the Auditor General within 10 days after the procurement~~made as soon as practicable~~ and shall include the following information:
 - A) the vendor's name;
 - B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);
 - C) a description of what the vendor will do or provide; and
 - D) the reasons for using the emergency method of source selection.
 - 3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.
- g) Extensions of Emergency

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In the event an emergency procurement exceeds 90 days, the emergency procurement may be extended. Prior to the execution of the extension:

- 1) the CPO must determine additional time is necessary;
- 2) the contract scope and duration must be limited to the emergency;
- 3) a public hearing must be held; and
- 4) the CPO must provide written justification for the emergency contract;
- 5) notice of the intent to extend shall be provided to the IOC PPB and published in the Bulletin in accordance with Subpart D.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2035 Competitive Selection Procedures for Professional and Artistic Services

a) Application:

- 1) The provisions of this Section apply to every procurement of professional and artistic services except those professional and other services necessary to prepare for anticipated litigation, enforcement actions, or investigations, which are exempt from the requirements of the Code and this Part and except as provided in Section 1120.2035(c).
- 2) *"Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].*

b) Professional and artistic services are further defined as follows~~below~~:

- 1) "Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the RFP~~Request for Proposals~~.
- 2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the

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RFP Request for Proposals.

- 3) "Qualified by technical ability" means the individual who would perform the services must demonstrate a high degree of skill or ability in performing previously have successfully performed services of similar nature or closely related in nature to those specified in the RFP Request for Proposals.
 - 4) Essential elements distinguishing professional services from other services are confidence, trust, and belief in not only the ability, but the talent, of the individual performing the service.
 - 5) Professional and artistic services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional services contracts. (See Illinois Attorney General Opinion S-256, January 20, 1971.)
 - 6) When the IOC requires services of the kind described in this subsection (b) that meet the above requirements, then the services are professional and unless exempt under subsection (d), these competitive selection procedures must be followed. Otherwise the services must be procured in accordance with the other methods of source selection authorized by the Code and this Part.
- c) Conditions for Use of Competitive Selection Procedures-
Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Services of Any procurement of such services less than \$20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 1120.2020 (Small Purchases).
- d) Prequalification-
The CPO shall Comptroller's Director of Administrative Services may maintain a list of prequalified professional and artistic vendors in accordance with Sections 1120.2044 and 1120.2045 of this Part. Persons may amend statements of qualifications qualification at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal, provided that the responsive offeror supplies with its proposal all

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information defined by the prequalification process.

e) Public Notice of Competitive Selection Procedures-

- 1) Notice of the need for professional and artistic services shall be made by the Procurement Officer~~CPO or SPO~~ in the form of an RFP~~a Request for Proposals~~.
- 2) Notice shall be given as provided in Section 1120.2010(e) (Public Notice) of this Part.
- 3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

f) Request for Proposals-

- 1) Contents. The RFP~~Request for Proposals~~ shall be in the form specified by the Procurement Officer~~SPO~~ and shall contain at least the following information:
 - A) the type of services required;
 - B) a description of the work involved;
 - C) an estimate of when and for how long the services will be required;
 - D) the type of contract to be used;
 - E) a date by which proposals for the performance of the services shall be submitted;
 - F) a statement of the minimum information that the proposal shall contain, which may by way of example, include:
 - i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - ii) if deemed relevant by the Procurement Officer~~SPO~~, the age

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of the offeror's business and average number of employees over a previous period of time, as specified in the RFP Request for Proposals;

- iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFP Request for Proposals;
 - v) a plan, giving as much detail as is practical, explaining how the services will be performed;
- G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package); and
- H) the factors to be used in the evaluation and selection process and their relative importance.

2) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the RFP Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

- A) the plan for performing the required services;
- B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
- C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

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D) a record of past performance of similar work.

g) ~~Pre-Proposal Conference:~~

A pre-proposal conference may be conducted in accordance with Section 1120.2010(f) (Pre-Bid Conference). ~~The~~~~Such a~~ conference may be held anytime prior to the date established for submission of proposals.

h) ~~Receipt and Handling of Proposals:~~

Proposals and modifications shall be sent to the ~~Procurement Officer~~~~SPO~~ as directed in the solicitation and shall be time-stamped upon receipt and held in a secure place until the due date and time, at which they will be opened by the ~~Procurement Officer~~~~SPO~~. Proposals shall not be opened publicly nor disclosed to unauthorized persons, but shall be opened in the presence of at least one witness. A register of proposals shall be established that shall include, for all proposals, the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The register of proposals shall be open to the public only after award of the contract.

i) ~~Discussions:~~

1) ~~Discussions Permissible:~~

~~A)~~ The ~~Procurement Officer~~~~SPO~~ may conduct discussions with any offeror to:

~~iA)~~ determine in greater detail ~~thesueh~~ offeror's qualifications;
and

~~iiB)~~ explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.

~~B)~~ The ~~Procurement Officer~~~~SPO~~ may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the

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agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection except as otherwise provided in the contract.

- j) Selection of the Best Qualified Offerors:
After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer~~SPO~~ shall rank the acceptable offerors in the order of their respective qualifications.
- k) Evaluation of Pricing Data:
Pricing submitted for all proposals timely submitted shall be opened and ranked.
 - 1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor~~negotiation of price shall commence.~~
 - 2) If the price of the most qualified vendor is not low and if it is under \$25,000, the Procurement Officer~~CPO or the SPO~~ may award to that vendor.
 - 3) If the price is over \$25,000, the Procurement Officer~~CPO or SPO~~ must state why the qualifications were deemed more important than price and that such~~that~~ determination shall be published in the Bulletin.
- l) Negotiation and Award of Contract:
 - 1) General. The Procurement Officer~~CPO or SPO~~ shall attempt to negotiate a contract with the best qualified offeror for the required services at compensation determined in writing to be fair and reasonable compensation. The Procurement Officer may, in the interest of efficiency, negotiate with other vendors, while negotiating with the best qualified vendor.
 - 2) Elements of Negotiation. Contract negotiations shall be directed toward:
 - A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;

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- B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
- C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of ~~thesueh~~ services.
- 3) Request for Nondisclosure of Data. If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the head of the agency conducting the procurement or a designee of such officer shall examine the request in the proposal to determine its validity prior to entering negotiations. If the parties do not agree as to the disclosure of data in the contract, the ~~Procurement Officer~~~~SPO~~ shall reject the proposal.
- 4) Successful Negotiation of Contract with Best Qualified Offeror:
- A) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.
- B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the Procurement Officer based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, and the agency's identified budget.
- 5) Failure to Negotiate Contract with Best Qualified Offeror:
- A) If compensation, contract requirements, and contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefore shall be placed in the file. The ~~Procurement Officer~~~~SPO~~ shall advise ~~thesueh~~ offeror of the termination of negotiations.

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- B) Upon failure to negotiate a contract with the best qualified offeror, the ~~Procurement Officer~~SPO may enter into negotiations with the next most qualified offeror, and so on in that manner until an award is made or the procurement canceled.
- m) Multiple Awards. The Procurement Officer may enter into negotiations with the next most qualified vendor or vendors when the purchasing agency has a need that requires multiple vendors under contract.
- n) Notice of Award. Written notice of award shall be public information and made a part of the contract file. The SPO shall publish the names of the responsible decision makers of the IOC, the successful vendor, a contract reference number or other identifier, and the value of the contract. Publication shall be in the next available issue of the Bulletin.
- o) ~~A CPO may allow an SPO to publish notices of small~~Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of an SPO ~~do not require approval of the CPO to proceed. Any notices shall be published by the SPO.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

- a) ~~Scope of this Section:~~
The provisions of this Section shall govern the cancellation of any solicitations, whether issued by the IOC under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.
- b) ~~Policy:~~
Any solicitation may be canceled when the SPO believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.
- c) ~~Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening:~~
1) As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt

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of proposals in competitive sealed proposals.

- 2) Prior to opening, a solicitation may be canceled in whole or in part when the ~~Procurement Officer~~^{SPO} determines in writing that ~~the such~~ action is in the State's best interest for reasons including, but not limited to:
 - A) the IOC no longer requires the supplies, services, or construction;
 - B) the IOC no longer can reasonably expect to fund the procurement;
~~or~~
 - C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;-
 - D) ambiguous or otherwise inadequate specifications;
 - E) the solicitation did not provide for consideration of all factors of significance to the State;
 - F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
 - H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been the result of collusion or may have been submitted in bad faith.
- 3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation.
- 4) The notice of cancellation shall:
 - A) identify the solicitation;
 - B) briefly explain the reason for cancellation; and

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- C) ~~when~~^{where} appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar supplies, services, or construction.
- d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening-
- 1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the Procurement Officer~~SPO~~ determines in writing that ~~the such~~ action is in the State's best interest. ~~The such~~ reasons for the Procurement Officer's determination may include, but are not limited to:
- A) the supplies, services, or construction being procured are no longer required;
- B) ambiguous or otherwise inadequate specifications were part of the solicitation;
- C) the solicitation did not provide for consideration of all factors of significance to the IOC;
- D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
- E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
- F) there is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.
- 2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice informing them of the cancellation or rejection.
- e) Documentation. The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.
- f) Rejection of Individual Bids or Proposals-

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- 1) General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.
- 2) Notice in Solicitation. Each solicitation issued by the IOC shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.
- 3) Reasons for Rejection-
Reasons for rejecting a bid or proposal may include, but are not limited to:
 - A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1120.2046 (Responsibility);
 - B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;
 - C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the IOC in some material respect;
 - D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or
 - E) the proposed price is clearly unreasonable.
- 4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.
- g) Disposition of Bids or Proposals-
When bids or proposals are rejected, they shall be retained until after award.
When a solicitation is canceled, the bids or proposals will be discarded or returned to the vendor at the discretion of the Procurement Officer~~SPO~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: SPECIFICATIONS AND SAMPLES

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Section 1120.2050 Specifications and Samples

- a) ~~SPO's~~ Responsibilities Regarding Specifications-
- 1) The Procurement Officer shall approve all~~SPO is authorized to write~~ IOC procurement specifications.
 - 2) ~~When a written determination is made by the SPO authorized to prepare such specifications that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, a contract to prepare specifications for IOC use in procurement of supplies or services may be entered into provided the SPO retains the authority to finally approve the specifications.~~
 - 23) If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the SPO. If no such specification exists, the Procurement Officer shall have ~~SPO is hereby granted~~ the authority to prepare specifications for use in such purchases. In an emergency under Section 20-30 of the Code, any necessary specification may be utilized without regard to the provisions of this Subpart.
- b) Procedures for the Development of Specifications-
- 1) If a specification for a common or general use item has been developed or a qualified products list has been developed in accordance with this Section for a particular supply or service, it shall be used unless the SPO authorizes use of another specification.
 - 2) All procurements shall be based on specifications that accurately reflect the IOC's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
 - 3) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate IOC needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from

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a sole source, unless no other manner of description will suffice.

4) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.

5) A specification may provide alternate descriptions when two or more design, functional, or performance criteria will satisfactorily meet the IOC's requirements.

c) Brand Name or Equal Specification-

1) Brand name or equal specifications may be used when the Procurement Officer~~SPO~~ determines in writing that:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification, not including a brand name specification;

C) the nature of the product or the nature of the IOC's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the State's best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.

3) Required Characteristics. Unless the Procurement Officer~~SPO-authorized to finally approve specifications~~ determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.

4) Nonrestrictive Use of Brand Name or Equal Specifications. Where a

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brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that a product is equal is on the bidder.

d) Brand Name Only Specification-

- 1) Determination. A brand name only specification may be used only when the ~~Procurement Officer~~SPO makes a written determination that only the identified brand name item or items will satisfy the IOC's needs.
- 2) Use. Brand name alone may be specified in order to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the SPO.
- 3) Competition. The SPO shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1120.2025 (Sole Economically Feasible Source Procurement) ~~of this Part.~~
- 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (see Section 1120.2020) and emergency (see Section 1120.2025) provisions of this Part.

e) Qualified Products List-

- 1) Use. A qualified products list may be developed when testing or examining supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy IOC requirements.
- 2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and examination to determine acceptability for inclusion in a

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qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.

- 3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.

- f) Proven Products-
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.

- g) State Required Samples-
 - 1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.
 - 2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the IOC's right to require adherence to specifications.
 - 3) No payment will be made for IOC required samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. ~~TheSuch~~ request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.

- h) Product Demonstration-
Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the IOC's discretion and will not entitle the bidder to a contract nor shall payment for the demonstration be

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allowed unless a written contract had been executed prior to the demonstration.

i) Specifications Prepared by Other Than IOC Personnel:

- 1) Specifications may be prepared by other than IOC personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the Procurement Officer determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, and provided the Procurement Officer retains the authority to finally approve the specifications. Contracts for the preparation of specifications by other than IOC personnel shall require the specification writer to adhere to the Code and the IOC requirements.
- 2) The person who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the Comptroller determines in writing that it would be in the best interest to accept such a bid or proposal from that person. A notice to that effect shall be published in the Bulletin.

j) Pre-solicitation Assistance/Specifications Prepared by Other Than State Personnel

- 1) Prior to issuing a solicitation, an SPO may issue an RFI to obtain services of any person or business to conduct research, analyze requirements or provide general design or other assistance to help the IOC develop its procurement strategy, specifications and documents and to identify and address other related needs. No services can be obtained to assist the IOC in reviewing, drafting or preparing an RFP or RFI or to provide similar assistance.
- 2) Notice. A Request for Information shall be published in the Illinois Procurement Bulletin for at least 7 calendar days. All information received in response to an RFI shall be published in the Bulletin for at least 7 calendar days.
- 3) The RFI shall contain at least the following:
 - A) the name of the requesting agency;

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B) a brief description of the agency's need; and

C) a statement that the RFI is not a solicitation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J: DURATION OF CONTRACTS

Section 1120.2060 Duration of Contracts – General

a) General-

- 1) A multi-term contract for a term of up to 10 years is authorized when determined by the ~~CPO~~~~SPO~~ to be in the best interest of the State, inclusive of proposed contract renewals.
- 2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10~~ten~~ years.
- 3) The length of the payment terms of the bonds issued by or on behalf of the IOC shall be limited as provided in the statute authorizing the issuance of bonds.

b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of ~~the~~~~such~~ contract shall be canceled without penalty to, or further payment being required by, the IOC. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-~~Year~~~~Term~~ Contracts-

A multi-~~year~~~~term~~ contract may be used when:

- 1) special production of definite quantities or the furnishing of long-term services are required to meet IOC needs; or
- 2) a multi-~~year~~~~term~~ contract will serve the best interests of the State by

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encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:

- A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping ~~thosesuch~~ costs during the period of contract performance;
- B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;
- C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or
- D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) Multi-Term Contract Procedure:
The solicitation shall state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract period;
- 3) ~~the type of pricing requested (e.g., firm for term); and whether bidders or offerors may submit prices for:~~
 - ~~A) the first fiscal period only;~~
 - ~~B) the entire time of performance only; or~~
 - ~~C) both the first fiscal period and the entire time of performance; and~~
- 4) how award will be determined.

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e) Renewals:

- 1) ~~When~~Where the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the IOC or by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
- 2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.
- 3) When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding 10 years, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART K: CONTRACT MATTERS

Section 1120.2560 Prevailing Wage (Repealed)

- a) ~~For the following classifications and if competition exists, no bidder will be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.~~
 - 1) ~~Public works;~~
 - 2) ~~Printing;~~

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- ~~3) Janitorial services, window washing and security guard services having a monthly contract price of \$200 or a yearly price of \$2,000.~~
- b) ~~Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.~~
- e) ~~Wage Rates.~~
- 1) ~~Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.~~
- 2) ~~If the change cannot be determined in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, worker's compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The IOC shall have the option to cancel the contract if it finds the new price unacceptable.~~
- 3) ~~If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.~~
- d) ~~If a collective bargaining agreement is in effect governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.~~
- e) ~~For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "location" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.~~

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- ~~f) For Printing Contracts, location means one of the following areas:~~
- ~~1) Location:~~
 - ~~A) Cook County;~~
 - ~~B) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;~~
 - ~~C) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.~~
 - ~~2) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.~~
- ~~g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.~~
- ~~h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 1120.2580 Subcontractors

All competitive sealed proposals, including proposals for professional and artistic services, shall include a provision to require each offeror to identify, either in its proposal or prior to award, the identity of the subcontractors that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART O: PREFERENCES

Section 1120.4545 Small Business

- a) **Set-Aside-**
~~The (CPO-GS) (see 44 Ill. Adm. Code 1)DCMS~~ may determine categories of ~~suppliesgoods~~ or services procurements that will be set aside for small business located in Illinois. The ~~Procurement OfficerSPO~~ may contact ~~the CPO-GSDCMS~~ to determine whether a particular procurement has been set aside for small business, and, if so, the IOC may honor the set aside to the extent practicable.
- b) **Small Business List-**
The IOC may refer to the list of responsible vendors that meet the criteria of small business maintained by ~~CPO-GSDCMS~~. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) **Required Use-**
If the ~~Procurement OfficerSPO~~ wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) **Withdrawal of Set-Aside-**
If the ~~Procurement OfficerSPO~~ determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the ~~Procurement OfficerSPO~~ shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside,

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the procurement shall be conducted in accordance with the limitations of the Code and this Part.

- e) Criteria for Small Business-
- Unless the ~~CPO~~~~SPO~~ provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:
- 1) Independently owned and operated.
 - 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
 - 3) With annual sales for most recently ended fiscal year no greater than:
 - A) ~~\$10,000,000~~~~7,500,000~~ for wholesale business;
 - B) ~~\$10,000,000~~~~3,000,000~~ for construction business; or
 - C) ~~\$6,000,000~~~~1,500,000~~ for retail business.
 - 4) With no more than 250 employees if a manufacturing business.
 - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most recently ended fiscal year.
 - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
 - 5) If the business is any combination of retailer, wholesaler or construction

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business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding ~~\$16,000,000~~~~9,000,000~~ and the retail component may not exceed ~~\$10,000,000~~~~1,500,000~~ and the wholesale component may not exceed ~~\$10,000,000~~~~7,500,000~~. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).

- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.4550 Contracting with Business Owned and Controlled by Minorities, Females, and Persons with Disabilities

- a) The Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/~~0.01~~] (Act) sets a goal (minimum ~~2012~~%) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities.
- b) The IOC hereby establishes a goal that at least ~~2012~~% of the dollar amount of contracts be awarded to businesses owned by minorities, females, or persons with disabilities. Of that ~~2012~~%, ~~75~~% shall be for female-owned businesses, 2% for businesses owned by persons with disabilities and not-for-profit entities for the disabled, and the remaining ~~115~~% for minority-owned businesses, unless these amounts are modified by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities created under Section 5 of the Act [30 ILCS 575/5].

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- c) The goal established in subsection (b) may be satisfied, in whole or in part, by counting expenditures made by IOC vendors to subcontractors.
- d) The CPO may undertake the following actions to reach the goal established in subsection (b):
 - 1) focus solicitation upon vendors from the list of certified businesses ascertained by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities;
 - 2) advertise in appropriate media;
 - 3) divide job or project requirements, when economically, technically, and programmatically feasible, into smaller tasks or quantities;
 - 4) eliminate extended experience or capitalization requirements when programmatically feasible;
 - 5) identify specific, proposed projects, purchases, or contracts as particularly appropriate for participation by businesses owned by minorities, females, or persons with disabilities; and
 - 6) establish set-asides in accordance with applicable law.
- e) Certification. The Act and ~~the rules promulgated thereunder~~ (44 Ill. Adm. Code 10) set forth the procedures for certification as a business owned by minorities, females, or persons with disabilities.
- f) The CPO shall acquire and maintain a list of businesses certified by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities. The names and addresses of certified vendors shall be made available to the public.
- g) Those categories of contracts and expenditures exempted by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities as set forth in ~~its rules~~ (44 Ill. Adm. Code 10.22) are exempt from the contracting goal established in this Section. In addition, the CPO may exempt specific contracts or expenditures from the goal prior to the advertisement for bids or solicitation of proposals, when the CPO has determined, based upon the best information available at the time of the determination, that there is an insufficient number of

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businesses owned by minorities, females, and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the specific contract or expenditure. A determination of the CPO made under this subsection shall be reduced to writing and published in the Illinois Procurement Bulletin.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section 1120.5510 Complaints Against Vendors or Subcontractors

- a) The purpose of this Section is to document performance of vendors or subcontractors.
- b) Whenever a vendor or subcontractor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, ~~or for other similar causes,~~ the IOC shall take appropriate action to initiate a complaint to the vendor or subcontractor.
- ~~c~~b) For relatively minor infractions, the IOC may initiate contact by telephone or in person. If not resolved by this action, a written complaint should be made.
- ~~d~~e) If the initial complaint is not satisfactorily answered, or for serious infractions, the IOC shall send a written complaint to the vendor or subcontractor detailing the problem. For complaints regarding contracts established by the CPO-GS, a form available from the CPO-GS shall be used for processing complaints.
- ~~e~~d) A copy of all written complaints and the resolution or status shall be filed with the Procurement Officer~~CPO~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.5520 Suspension

- a) Application:
This Section applies to all debarments or suspensions of vendors or subcontractors from consideration for award of contracts under the Code.

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- b) The ~~CPO~~Comptroller's Director of Administrative Services may suspend a vendor or subcontractor from doing business with the IOC or for specific types of supplies or services. A suspension may be issued upon a showing the vendor or subcontractor violated the Code or this Part, or failed to conform to specifications or terms of delivery.
- c) When the ~~CPO~~Comptroller's Director of Administrative Services finds cause exists for suspension, a notice of suspension, including a copy of ~~the CPO's~~sueh determination, shall be sent to the suspended vendor or subcontractor. Bids or proposals will not be solicited from the suspended vendor or subcontractor, and, if ~~they are~~ received, ~~they~~ will not be considered during the period of suspension.
- d) A ~~vendor or subcontractor~~contractor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than five years. The suspension will be effective ~~within~~ seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.
- e) The ~~CPO~~Comptroller's Director of Administrative Services may debar a vendor or subcontractor. Debarment is the permanent suspension of a vendor or subcontractor from doing business with the IOC. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals ~~received will not be solicited~~ from the debarred vendor, ~~and, if received~~ will not be considered.
- f) The ~~CPO~~Comptroller's Director of Administrative Services shall maintain a master list of all IOC suspensions and debarments and refer to the DCMS master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. ~~The~~Sueh public information may be considered in determining responsibility.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.5555 Hearings and Decisions

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- a) The Chief Procurement Officer shall conduct public hearings prior to awarding contracts for sole source procurements pursuant to Section 20-25 and before extending emergency procurements pursuant to Section 20-30.
- b) Notices of hearings shall be published in the Procurement Bulletin at least 14 days prior to the date of the public hearing.
 - 1) All notices shall include the date, time and location of the public hearing.
 - 2) Notices for sole source procurements shall include the sole source procurement justification form, a description of the item to be procured, and the intended sole source contractor.
 - 3) Notices for extending emergency procurements shall include the CPO's written justification for the emergency contract and the name of the contractor.
- c) A copy of the notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.
- d) The IOC PPB and members of the public may present testimony at the hearings.
- e) The hearings shall be held in the offices of the Comptroller or at some other convenient location readily accessible to members of the public.
- f) The CPO or his or her designee shall preside over the hearings and shall issue a written determination within 14 calendar days after the conclusion of the hearing.
- g) Copies of all statements and exhibits introduced at the hearings, the written determination of the CPO or designee, and a summary of the proceedings at the hearings shall be included in the appropriate procurement files.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
217.451	New
217.454	Amend
217.456	Amend
- 4) Statutory Authority: Implementing Section 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) A Complete Description of the Subjects and Issues Involved: This proposal will add a provision sunsetting the Nitrogen Oxides (NO_x) SIP Call requirements as set forth in Subpart U that apply to Non-electric generating units (Non-EGUs). Beginning with the 2009 control period (May 1 through September 30), Non-EGUs will no longer be required to hold NO_x allowances in an amount equal to their seasonal NO_x emissions. These sources will continue to be required to monitor, record and report seasonal NO_x emissions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2008)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-08 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Daniel Robertson at 312/814-6931.

Interested persons may obtain copies of the Board's opinion and order by downloading them from the Board's web site at www.ipcb.state.il.us or by calling the Clerk's office at 312/814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Any small business, small municipalities, or not-for-profit corporations that are subject to the NO_x Trading Program for non-electric generating units could be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section	
217.141	Existing Emission Units in Major Metropolitan Areas

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Section	
217.150	Applicability
217.152	Compliance Date
217.154	Performance Testing
217.155	Initial Compliance Certification
217.156	Recordkeeping and Reporting
217.157	Testing and Monitoring
217.158	Emissions Averaging Plans

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SUBPART E: INDUSTRIAL BOILERS

Section

217.160	Applicability
217.162	Exemptions
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217.165	Combination of Fuels
217.166	Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

Section

217.180	Applicability
217.182	Exemptions
217.184	Emissions Limitations
217.185	Combination of Fuels
217.186	Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section

217.200	Applicability
217.202	Exemptions
217.204	Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

217.220	Applicability
217.222	Exemptions
217.224	Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

217.240	Applicability
217.242	Exemptions
217.244	Emissions Limitations

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SUBPART K: PROCESS EMISSION SOURCES

Section
217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section
217.340 Applicability
217.342 Exemptions
217.344 Emissions Limitations
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section
217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section
217.386 Applicability
217.388 Control and Maintenance Requirements
217.390 Emissions Averaging Plans
217.392 Compliance
217.394 Testing and Monitoring
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section
217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring
217.408 Reporting
217.410 Recordkeeping

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SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section	Purpose
217.450	Purpose
<u>217.451</u>	<u>Sunset Provisions</u>
217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status
217.482	Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section	Purpose
217.521	Lake of Egypt Power Plant
217.700	Purpose
217.702	Severability
217.704	Applicability
217.706	Emission Limitations
217.708	NO _x Averaging
217.710	Monitoring
217.712	Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section	Purpose
217.750	Purpose

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217.751	Sunset Provisions
217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO _x Trading Budget
217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO _x Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section	
217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units

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- 217.APPENDIX E Large Non-Electrical Generating Units
 217.APPENDIX F Allowances for Electrical Generating Units
 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call
 217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011; amended in R11-08 at 35 Ill. Reg. _____, effective _____.

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
 SPECIFIED NO_x GENERATING UNITS

Section 217.451 Sunset Provisions

Except for Sections 217.454(a) and (b) and 217.456(c), (e)(1)(B) through (D), and (e)(2), the provisions of this Subpart U shall not apply for any control period in 2009 or thereafter. Compliance for 2009 and after is required for these subsections. Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the applicable provisions of this Subpart.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 217.454 Applicability

- a) This Subpart applies to any fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system, with a maximum design heat input greater than 250 mmbtu/hr and that is:

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- 1) A unit listed in Appendix E of this Subpart, irrespective of any subsequent changes in ownership, unit designation, or name of the unit; or
 - 2) A unit not listed in Appendix E of this Subpart that:
 - A) At no time serves a generator producing electricity for sale;
 - B) At any time serves a generator producing electricity for sale, if such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is smaller than this calculated number, the unit is subject to the provisions of this Subpart, but if the size of the generator is greater than this calculated number, the unit is subject to the provisions of Subpart W of this Part;
 - C) Is part of any source, as that term is defined in 35 Ill. Adm. Code Section 211.6130, listed in Appendix E of this Part; or
 - D) Is a unit subject to Subpart W of this Part (excluding any unit listed in Appendix F of this Part, regardless of any change in ownership or any change of operator), and the owner or operator makes a permanent election, at the time of applying for a budget permit pursuant to this Part, to subject the unit to the requirements of this Subpart rather than Subpart W of this Part. Any unit for which such an election is made will not receive an allocation from the Subpart U or Subpart W NO_x Trading Budget.
- b) Those units that meet the above criteria ~~and are subject to the NO_x Trading Program emissions limitations contained in this Subpart~~ are budget units.
- c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget unit subject to the requirements of subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions that meet the requirements of Section 217.472(a). Starting with the effective date of such permit, the unit shall be subject only to the requirements of Section 217.472.

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- d) The owner or operator of any budget unit not listed in Appendix E of this Part but subject to this Subpart shall not receive an allocation of NO_x allowances from the Subpart U or Subpart W NO_x Trading Budget, except for any allowance from the new source set-aside in accordance with Section 217.468 of this Subpart. Such unit must acquire NO_x allowances in an amount not less than the NO_x emissions from such budget unit during the control period (rounded to the nearest whole ton) in accordance with the federal NO_x Trading Program, Subpart X of this Part or pursuant to a permanent transfer of NO_x allocations pursuant to Section 217.462(b) of this Subpart.
- e) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on *the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x SIP Call (63 Fed. Reg. 57355 (October 27, 1998)) that are located in USEPA Region V or are that contiguous to Illinois have adopted regulations to implement NO_x trading programs and other required reductions of NO_x emissions pursuant to the NO_x SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective.* [415 ILCS 5/9.9(f)]

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 217.456 Compliance Requirements

All budget units subject to the requirements of this Subpart must comply with the following:

- a) The requirements of this Subpart and 40 CFR 96, excluding 40 CFR 96.4(b), 96.55(c) and subparts C, E, and I, as incorporated by reference in Section 217.104 of this Part. To the extent that this Subpart contains provisions which are inconsistent with any provisions of 40 CFR 96, the owner or operator of budget units subject to this Subpart shall comply with the provisions of this Subpart in lieu of those provisions which were incorporated by reference.
- b) Budget permit requirements:
- 1) The owner or operator of each source with one or more budget units at the source subject to this Subpart must submit a complete permit application

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for a budget permit in accordance with the provisions of Section 217.458(a)(4), (a)(5) or (a)(6), as applicable, to be issued by the Agency with federally enforceable conditions covering the NO_x Trading Program (budget permit), and that complies with the requirements of Section 217.458 of this Subpart.

- 2) The owner or operator of one or more budget units subject to this Subpart must operate each such budget unit in compliance with such budget permit or complete budget permit application, as applicable.
 - 3) The owner or operator of one or more budget units subject to this Subpart, at the time of filing an application for a permit under this Section, must submit a complete application for either a permit incorporating a source-wide overdraft account (as such term is defined in 40 CFR 96.2), or a permit incorporating unit specific compliance accounts for each budget unit at the source subject to this Subpart. Such election shall be at the sole discretion of the owner or operator of the source and the Agency shall incorporate such election into a permit issued to the source pursuant to this Subpart.
- c) Monitoring requirements:
- 1) For budget units subject to the requirements of this Subpart, and which commence operation on and after January 1, 2000, the owner or operator of each such budget unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each such budget unit at the source shall comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.
 - 2) The compliance of each budget unit subject to the requirements of subsection (c)(1) or subsection (c)(3)(A) of this Section with the control period NO_x emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.
 - 3) For budget units which commenced operation prior to January 1, 2000:
 - A) The owner or operator of each such budget unit at the source must

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comply with the requirements of 40 CFR 96, subpart H; or

- B) If the monitoring requirements of 40 CFR 96, subpart H, are demonstrated by the source to be technically infeasible as applied to a budget unit subject to the requirements of this Subpart, the owner or operator of such budget unit may monitor by an alternative monitoring procedure for the budget unit approved by the Agency and the Administrator of USEPA pursuant to the provisions of 40 CFR 75, subpart E. Such alternative monitoring procedures must be contained as federally enforceable conditions in the unit's permit.
- 4) The compliance of each budget unit subject to the requirements of subsection (c)(3)(B) of this Section shall be determined by the emissions measurements recorded and reported in accordance with the federally enforceable conditions in the budget unit's permit addressing monitoring as required by subsection (c)(3)(B) of this Section.
- d) Allowance requirements:
- 1) As of November 30 of each year, the allowance transfer deadline, the account representative of each source subject to the requirements of this Subpart must hold allowances available for compliance deductions under 40 CFR 96.54 for each budget unit at the source subject to this Subpart in the budget unit's compliance accounts, or the source's overdraft account. The number of allowances held in these accounts shall not be less than the total NO_x emissions for the control period (rounded to the nearest whole ton), as determined in accordance with subsection (c) of this Section, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for all budget units at the source subject to this Subpart. Compliance with this provision shall be demonstrated if, as of the allowance transfer deadline, the sum of the allowances available for compliance deductions for all budget units at the source subject to this Subpart is equal to or greater than the total NO_x emissions (rounded to the nearest whole ton) from all budget units at the source subject to this Subpart.
 - 2) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96,

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subparts F and G.

- 3) Each ton of NO_x emitted by a source with one or more budget units subject to this Subpart in any control period in excess of the NO_x allowances held by the owner or operator for each budget unit at the source subject to this Subpart for each control period shall constitute a separate violation of this Subpart and the Act.
 - 4) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance was allocated.
 - 5) An allowance allocated by the Agency or USEPA under the NO_x Trading Program is a limited authorization to emit one ton of NO_x. No provision of the NO_x Trading Program, any permit issued or permit application submitted pursuant to this Subpart, or an exemption under 40 CFR 96.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.
 - 6) An allowance allocated by the Agency or USEPA under the NO_x Trading Program or pursuant to this Subpart does not constitute a property right.
 - 7) Upon recordation by USEPA under 40 CFR 96, subpart F or G, every allocation, transfer, or deduction of an allowance to or from a budget unit's compliance account or to or from the source's general or overdraft account where the budget unit is located is deemed to amend automatically and become a part of any budget permit of the budget unit. This automatic amendment of the budget permit shall occur by operation of law and will not require any further review.
- e) Recordkeeping and reporting requirements:
- 1) Unless otherwise provided, the owner or operator of a source subject to the requirements of this Subpart must keep at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of 5 years from the date the document is created. This period may be extended for cause at any time prior to the end of 5 years in writing by the Agency or USEPA.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) The account certificate of representation for the account representative for the source and each budget unit at the source subject to the requirements of this Subpart and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and such supporting documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.
- B) All emissions monitoring information, in accordance with subsection (c) of this Section, provided that to the extent that 40 CFR 96, subpart H, provides for a three-year period for recordkeeping, the three-year period shall apply.
- C) Copies of all reports, ~~compliance certifications~~, and other submissions and all records made or required under this Subpart ~~or the NO_x Trading Program~~ or documents necessary to demonstrate compliance with the requirements of this Subpart ~~or the NO_x Trading Program~~.
- D) Copies of all documents ~~used to complete a budget permit application~~ and any other submission under this Subpart ~~or under the NO_x Trading Program~~.
- 2) The account representative of a source and each budget unit at the source subject to the requirements of this Subpart must submit to the Agency and USEPA the reports ~~and compliance certifications~~ required under this Subpart ~~and the NO_x Trading Program~~, including those under 40 CFR 96, ~~subparts D and~~ subpart H.
- f) Liability:
- 1) No revision of a budget permit shall excuse any violation of the requirements of the NO_x Trading Program or this Subpart that occurs prior to the date that the revision under such budget permit takes effect.
 - 2) Each budget source and each budget unit at the source shall meet the requirements of the NO_x Trading Program.

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- 3) Any provision of this Subpart or the NO_x Trading Program that applies to a source subject to the requirements of this Subpart (including a provision applicable to the account representative of the source) shall also apply to the owner and operator of such source and to the owner and operator of the budget units subject to the requirements of this Subpart at the source.
- 4) Any provision of this Subpart or the NO_x Trading Program that applies to a budget unit subject to the requirements of this Subpart (including a provision applicable to the account representative of such budget unit) shall also apply to the owner and operator of such budget unit. Except with regard to the requirements applicable to budget units with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget unit shall not be liable for any violation by any other budget unit of which they are not an owner or operator or the account representative and that is located at a source of which they are not an owner or operator or the account representative.
- 5) Excess emissions requirements: The account representative of a source that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).
- 6) The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.
- g) Effect on other authorities: No provision of this Subpart, the NO_x Trading Program, a budget permit application, a budget permit, or a retired budget unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner or operator and, to the extent applicable, the account representative of a source or budget unit from compliance with any other regulations promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ownership, Partnership, and Stable Name
- 2) Code Citation: 11 Ill. Adm. Code 1409
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1409.5	Amend
1409.10	Repeal
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adopts the Association of Racing Commissioners International model rule pertaining to racing colors.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: ARCI Model Rules, 008-015(E)
- 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

312/814-5017

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda 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 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 g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1409

OWNERSHIP, PARTNERSHIP, AND STABLE NAME

Section

1409.5	Racing Colors Registration of Colors
1409.10	Application for Colors (Repealed)
1409.20	Deviations
1409.30	Register Name of Real Owner and Lessee
1409.40	Owner-Trainer Registrations
1409.50	Change in Ownership
1409.60	False Registration
1409.70	List of Changes
1409.80	Stable Names
1409.90	Registration of Stable Names
1409.100	Trainers' Use of Stable Names
1409.110	Affidavit of Ownership
1409.120	Partnerships
1409.130	Corporations
1409.132	Number of Stockholders (Repealed)
1409.135	File Reports With Board
1409.138	Board May Waive Requirements
1409.140	Change in Officers
1409.150	Entries, Declarations and Winnings
1409.160	Signature by Racing Secretary
1409.170	Consent of Partners
1409.180	Name All Owners
1409.185	Corporation With Stable Name

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

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 13 Ill. Reg. 1841, effective January 27,

ILLINOIS RACING BOARD

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1989; amended at 17 Ill. Reg. 12429, effective July 16, 1993; amended at 35 Ill. Reg. _____, effective _____.

Section 1409.05 Racing Colors~~Registration of Colors~~

~~Owners or trainers shall provide racing colors, which may be subject to the approval of the Board, except at racetracks where colors are furnished by the organization licensee. Racing colors shall be registered with the Racing Secretary. The Stewards may authorize a temporary substitution of racing colors when necessary. The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race. Racing colors must be registered, and authority for their use sanctioned. Such registration shall be made annually, upon issuance of an owner's license.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1409.10 Application for Colors (Repealed)

~~No owner or lessee shall file an application for colors which are already being used by another owner or lessee or so registered in any state or jurisdiction, except that partners may have the same colors.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2101 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/201(e)
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking consists of amendments to Section 100.2101 relating to the replacement tax investment credit. The purpose of the rulemaking is to update the regulation to reflect (i) the changes to the definition of "retailing" and "tangible personal property" under Public Act 96-115, and (ii) the extension of the credit through 2013 under Public Act 96-116. The rulemaking also makes technical clarifications.
- 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>IL Register Citation:</u>
100.7325	Amendment	35 Ill. Reg. 8098; May 27, 2011
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any business subject to tax under IITA Sections 201(c) and (d) and that qualifies for the credit under IITA Section 201(e). Municipalities and other tax-exempt entities are not affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

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

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

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Section

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

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

Section

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

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After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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

Section	
100.2405	Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430	Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2450	IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455	Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section	
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for

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Charity (Repealed)

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

Section

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

SUBPART J: COMPENSATION

Section

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)

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100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405	Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

100.4500	Carryovers of Tax Attributes (IITA Section 405)
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SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income

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100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

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SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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

SUBPART S: INFORMATION STATEMENT

- Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

- Section
100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310 Returns Filed and Payments Made on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

SUBPART U: ESTIMATED TAX PAYMENTS

- Section
100.8000 Payment of Estimated Tax (IITA Section 803)
100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART V: COLLECTION AUTHORITY

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

SUBPART W: NOTICE AND DEMAND

Section	
100.9100	Notice and Demand (IITA Section 902)

SUBPART X: ASSESSMENT

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

SUBPART Y: DEFICIENCIES AND OVERPAYMENTS

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

SUBPART Z: CREDITS AND REFUNDS

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

SUBPART AA: INVESTIGATIONS AND HEARINGS

Section	
100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

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SUBPART BB: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART CC: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART DD: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

SUBPART EE: MISCELLANEOUS

Section
100.9900 Tax Shelter Voluntary Compliance Program

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

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

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843,

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effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective

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June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: CREDITS

Section 100.2101 Replacement Tax Investment Credit (IITA 201(e))

- a) A taxpayer shall be allowed a credit against the Personal Property Replacement Income Tax for investment in qualified property ("the investment credit"). The qualified property must be used in Illinois by a taxpayer who is primarily engaged in manufacturing, retailing, coal mining or fluorite mining.
- b) *A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984 ~~and before January 1, 2004~~ (IITA*

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Section 201(e)(1)). However, the basis of qualified property shall not include costs incurred after December 31, 2013, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2013 (ITA Section 201(e)(8)).

- c) *There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment in Illinois has increased by at least 1% over the preceding year. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and denominator of which is 1%, but shall not exceed .5% (ITA Section 201(e)(1)).*
- 1) Base employment. For purposes of calculating the additional investment credit, base employment in Illinois is defined as the average monthly total of individuals employed in Illinois by a taxpayer during the taxable year. To calculate base employment for a particular taxable year, the taxpayer need only total the number of individuals he employed in Illinois during each month of the taxable year as reported to the Illinois Department of Employment Security on Line 1 of Form UC-3/40 or Form UI-3/40M and divide this total by the number of months in the taxable year.
 - 2) Example of the Additional Investment Credit Computation. During the calendar year 1994, Corporation A reported 500 employees each month on Line 1 of Form UC-3/40. Therefore, Corporation A's base employment in Illinois for 1994 was 500 ((500 x 12) divided by 12 = 500). In 1995, Corporation A reported 500 employees for each of the first six months, and 505 employees for each of the remaining six months of the taxable year. Therefore, Corporation A's base employment for 1995 was 502.5 ((500 x 6) + (505 x 6) divided by 12 = 502.5). Corporation A's percentage of increase in 1995 base employment over 1994 base employment is .5%. This figure is computed by subtracting the 1994 base employment from the 1995 base employment and dividing the remainder by the 1994 base employment ((502.5 - 500) divided by 500 = .005 or .5%). Corporation A will be allowed an additional investment credit for 1995 of .25% (one-half of the percentage of increase) times the adjusted basis of qualified property placed in service in Illinois during the taxable year and on or after July 1, 1986.

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- d) The investment credit is not allowed to the extent it would decrease the taxpayer's replacement tax liability for the taxable year to less than zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. No carryback or carryforward of unused credit is allowed for tax years ending prior to December 31, 1985. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.
- e) Qualified property. In order to qualify for the investment credit, property must be tangible; depreciable pursuant to Internal Revenue Code Section 167, except that "3-year property" as defined in IRC ~~section~~Section 168(c)(2)(A) is not eligible; and acquired by purchase as defined in Internal Revenue Code ~~section~~Section 179(d). IRC ~~section~~Section 168(c)(2)(A), as in effect at the time the credit was enacted, defined "3-year property" to mean "section 1245 property: with a present class life of 4 years or less; or used in connection with research and experimentation". In addition to the above requirements, property must be used in Illinois by the taxpayer who is engaged primarily in manufacturing, retailing, coal mining or fluorite mining, in order to qualify for the IITA Section 201(e) credit against the replacement tax. Qualified property can be new or used, but cannot have been previously used in Illinois, in such a manner and by such a person as would qualify for the investment credit, or for the Section 201(f) Enterprise Zone Investment Credit, and includes buildings and structural components of buildings thereof.
- 1) Tangible property, whether new or used, can consist of personalty or realty and includes, but is not limited to, buildings and structural components of buildings, signs that are real property, machinery, equipment, and vehicles. Certain property, though tangible in nature, does not qualify as investment credit property because it is not depreciable.
 - 2) Depreciable. In order to qualify for the investment credit, property must also be depreciable pursuant to IRC ~~section~~Section 167. IRC

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[Section](#) 167 provides that depreciable property is property used in the taxpayer's trade or business or held for the production of income which is subject to wear and tear, exhaustion, or obsolescence.

- A) Property [thatwhich](#) is depreciated under the Modified Accelerated Cost Recovery System (MACRS), as provided by IRC [Section](#) 168, is considered depreciable pursuant to IRC [Section](#) 167 for purposes of the investment credit. Property assigned to a MACRS class of less than 4 years does not qualify for the investment credit.
 - B) Examples of tangible property [thatwhich](#) is not depreciable are land, inventories or stock in trade, natural resources, and coin or currency.
 - C) The provisions of Treasury Reg. [Section](#) 1.167(a)-4 shall govern in determining whether leasehold improvements are depreciable.
 - D) IRC [Section](#) 179 allows taxpayers, under certain circumstances, to expense up to ~~\$25,000~~~~10,000~~ of equipment purchased in a single tax year. Based on this provision, if the total cost of the property was ~~\$25,000~~~~10,000~~ or less, the taxpayer has the option of expensing the cost all in one year as a depreciation expense. While the property does have a useful life of four or more years, since the election was made to completely expense the cost of the property in one year, the property has no federal depreciable basis and does not have a basis upon which to compute the Illinois investment tax credit. Property not fully expensed under [Section](#) 179 would qualify for the credit based on the cost of the depreciable property reduced by the [Section](#) 179 deduction.
- 3) Placed in service. For purposes of the Illinois investment credit, "placed in service" has the same meaning as under IRC [Section](#) 46. Property will be considered to have been placed in service in the same taxable year in which it is taken into account in determining the federal investment tax credit. See Treasury Reg. [Section](#) 1.46-3(d).

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- A) Even though property is placed in service in the same taxable year in which it is taken into account in determining the Federal investment tax credit, only property placed in service in Illinois after June 30, 1984 and before January 1, 1997 can qualify for consideration in determining the credit against the replacement tax. Qualifying property shall be considered placed in service in Illinois on the date on which the property is placed in a condition or state of readiness and available for a specifically assigned function. See Treasury Reg. [sectionSection](#) 1.46-3(d)(2).
- B) Property ~~that~~[which](#) is disposed of, moved out of Illinois or which ceases to qualify for any other reason during the same taxable year it was placed in service in Illinois will not be considered in computing the investment credit for the taxable year.
- 4) Adjusted basis. The basis of qualified property for purposes of the investment credit is the property's basis used to compute the depreciation deduction for federal income tax purposes. [Accordingly, the basis for the credit is determined without regard to any bonus depreciation under IRC section 168\(k\), but after taking into account any amount treated as an expense not chargeable to capital under IRC section 179.](#)
- A) In computing the amount of investment credit available for a taxable year, the proper investment credit rate will be applied to the total basis of all qualified property placed in service in Illinois during the taxable year, provided the property continues to qualify on the last day of the taxable year.
- B) If the basis of property placed in service during a taxable year is increased or decreased during the same taxable year, the increased or decreased basis will be used to compute the investment credit for the taxable year.
- 5) Acquired by purchase. In order to qualify for the investment credit, the property must have been acquired by purchase as defined in IRC [sectionSection](#) 179(d). For purposes of determining whether property is acquired by purchase as defined by IRC [sectionSection](#) 179(d), the family of an individual includes only his spouse, ancestors and lineal descendants. Also, for these purposes only, a controlled group has the

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same meaning as in IRC ~~section~~Section 1563(a), except stock ownership of only 50% or more is required. See Treasury Reg. ~~section~~Section 1.179-4 under the Internal Revenue Code. Property which the taxpayer constructs, reconstructs or erects itself is generally considered acquired by purchase. IRC ~~section~~Section 179 defines purchase as any acquisition of property except:

- A) an acquisition from a person whose relationship to the acquiring person is such that a resulting loss would be disallowed under IRC ~~section~~Sections 267 or 707(b);
 - B) an acquisition by one component member of a controlled group from another component member of the group; an acquisition of property, if the basis of the property in the hands of the person acquiring it is determined in whole or in part by its adjusted basis in the hands of the person from whom the property was acquired; or
 - C) an acquisition of property, the basis of which is determined under IRC ~~section~~Section 1014(a). IRC ~~section~~Section 1014(a) covers property acquired from a decedent. Property acquired by bequest or demise is not acquired by purchase.
- 6) Used in Illinois. Mobile property such as vehicles must be used predominantly in Illinois. Removal of such property from Illinois for a temporary and transitory purpose will not disqualify the property so long as it continues to be used predominantly in the Illinois operation of the taxpayer. For purposes of this Section, mobile property is considered to be predominantly used in Illinois if usage in Illinois exceeds usage outside of Illinois. Example: A retailer sometimes uses its trucks based in Illinois to deliver goods both in Illinois and to out-of-State buyers. ~~Such temporary~~ ~~Such temporary~~ absence of its trucks from Illinois does not disqualify them.
- 7) A lessor of otherwise qualifying property ~~that, which property~~ is used by the lessee in manufacturing, retailing, or coal or fluorite mining operations, would not qualify for the credit because the property is not used "by the taxpayer".

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- 8) "Manufacturing" is defined in IITA Section 201(e)(3) as *the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication or assembling which changes some existing material into new shapes, new qualities, or new combinations*. It is not necessary that ~~thesesuch~~ procedures result in a finished consumer product. Procedures commonly regarded as manufacturing, processing, fabrication or assembling are those so regarded by the general public. If a taxpayer primarily engages in the following operations, the taxpayer will not qualify for the investment credit on the basis of engaging primarily in manufacturing. The activities described are generally not considered manufacturing operations:
- A) Agricultural activities such as cultivating the soil,[;] raising or harvesting crops,[;] the production of seed or seedlings,[;] and the development of hybrid seeds, plants,[;] or shoots are not manufacturing operations. The raising or breeding of livestock, poultry, fish or any other animals, as well as commercial fishing or beekeeping, is not manufacturing.
 - B) Manufacturing operations do not include mining,[;] quarrying,[;] logging,[;] drilling for oil, gas or water,[;] or any other operations ~~thatwhich~~ result in the extraction or procurement of a natural resource. However, the refining or processing of ~~such~~ natural resources into a product of a different form or a product ~~thatwhich~~ has different qualities is manufacturing.
 - C) Persons engaged in the construction, reconstruction, alteration, remodeling,[;] or improvement of real estate are not considered engaged in manufacturing operations.
 - D) Manufacturing operations do not include research and development of new products or production techniques.
 - E) Manufacturing operations do not include the use of machinery or equipment in managerial or other non-production, non-operational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, or personnel recruitment, selection

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or training.

- 9) Retailing. Retailing is defined as the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this Section, the term "tangible personal property" has the same meaning as when used in the Retailers' Occupation Tax Act, and does not include the generation, transmission, or distribution of electricity consumer goods or commodities (IITA Section ~~201203~~(e)(3)). It is required that ~~thesueh~~ tangible personal property be finished consumer goods, and the property be sold to its ultimate consumer. For example, sales of tangible personal property for resale are not included in the definition of retailing. The following activities are not considered retailing operations:
- A) The construction, reconstruction, alteration, remodeling, or improvement of real estate;
 - B) The operation of a hotel or motel or other institution providing only lodging facilities;
 - C) Other service professions ~~thatwhieh~~ do not involve the transfer of tangible personal property other than as an incident to the service performed. For guidance in distinguishing service professions from retailing professions, the Department will rely on rules promulgated under the Service Occupation Tax Act at 86 Ill. Adm. Code 140;
 - D) Farming operations related to crop and livestock production do not constitute retailing. However, the marketing of ~~thesesueh~~ products would constitute a retailing operation.
- 10) Mining of coal or fluorite. *Mining has the same meaning as in ~~section~~Section 613(c) of the Internal Revenue Code*, but shall be limited to the mining of coal and fluorite (IITA Section ~~201203~~(e)(3)). Mining as defined in IRC Section 613(c) includes not only extraction, but also treatment processes such as cleaning, breaking, sorting, sizing, dust allaying, and loading for shipment.

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- 11) New or used. Qualifying property can be new or used; however, used property does not qualify if it was previously used in Illinois in such a manner and by such a person as would qualify for the Illinois investment credit.
- A) Example: Corporation A purchases a used pick-up truck, for use in its manufacturing business in Illinois, from an Illinois resident who used the truck for personal purposes in Illinois. If the truck meets all the other requirements for the investment credit, it will not be disqualified merely because it was previously used in Illinois for a purpose ~~that which~~ did not qualify for the credit. However, had Corporation A purchased the used truck from an Illinois taxpayer in whose hands the truck qualified for the investment credit, the truck would not be qualified property to Corporation A, even though the party from whom the truck was acquired had never received an investment credit for it.
- B) Property ~~that which~~ would otherwise qualify for the credit will not be disqualified because it was previously used in such a manner and by such a person as would have qualified for the investment credit before the ~~time such~~ credit came into effect. Example: In August of 1983, Corporation A purchased a drill press for use in its manufacturing operation in an Illinois Enterprise Zone from Corporation B. Corporation B originally placed the drill press into service in its Illinois manufacturing operation in January of 1980, before IITA Section 201(e) came into effect. Even though Corporation B would have qualified for the Illinois investment credit had there been a credit in 1980, this will not disqualify Corporation A from claiming a credit for this property, provided the property is otherwise qualified. However, should Corporation A sell the property to Corporation C for use in its Illinois manufacturing operation, the property would not qualify for the credit, even though it would otherwise qualify, because the property was used in such a manner and by such a person as would have qualified for the investment credit under Section 201(e) or 201(f) at a time when at least one of the credits was in effect. The fact that the Section 201(e) credit was not yet effective when Corporation A placed the property in service will not cause the property to qualify for the Section 201(e) credit in the hands of

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Corporation C because IITA Section 201(e) specifically provides that the property is disqualified if it previously qualified under either IITA Section 201(e) or 201(f).

- f) To qualify for the credit, property must be used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing. It is not required that the property be used exclusively in manufacturing, mining of coal or fluorite or in retailing. So long as the taxpayer is primarily, more than 50%, engaged in one of these operations, all qualified property is eligible for the credit, even if the property is not actually used in an exempt manufacturing, coal or fluorite mining or retailing process. The taxpayer must engage primarily in one or more of the operations. In other words, a taxpayer that is engaged 30% of the time in retailing and 40% of the time in manufacturing will qualify for the credit, because the taxpayer is engaged primarily in one or more of the operations. In determining whether a taxpayer is primarily engaged in an activity the Department will look to the gross receipts of the taxpayer received in the ordinary course of business by that taxpayer. For example, if more than 50% of the taxpayer's gross receipts are from manufacturing, the taxpayer is primarily engaged in manufacturing, or if more than 50% of the gross receipts are from retailing, the taxpayer is primarily engaged in retailing. The taxpayer (and the Department) will look to the gross receipts received by the taxpayer in the ordinary course of business. Therefore, if, for example, the taxpayer suffers a casualty loss and that is compensated for by an insurance payment, the amount of money so received will not be deemed gross receipts received in the ordinary course of business, and disqualify the taxpayer from eligibility and perhaps result in the recapture of credits granted in prior years.

EXAMPLE 1: Corporation A manufactures CD ROM Units for personal computers, which are sold to others for resale. Corporation A also engages in the retail sale of canned computer software. Finally, Corporation A develops and sells custom computer software to various clients. Corporation A receives 20% of its gross receipts from the manufacturing of CD ROM Units, 40% of its gross receipts from retail sales of canned software, and 40% of its gross receipts from its custom computer software development and sales operations. Corporation A is eligible for the credit. Corporation A is engaged primarily in manufacturing and retailing, because the total of its manufacturing and retailing operations is 80% of its gross receipts. Therefore, the Corporation is eligible for the credit.

EXAMPLE 2: Corporation B operates a hotel. 80% of the gross receipts of

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Corporation B are from the renting of rooms, 5% of the gross receipts are from the operation of a gift shop in the hotel and the remaining 15% of the gross receipts are from the operation of a restaurant and lounge in the hotel. The renting of rooms is not retailing. Therefore, Corporation B is ineligible for the credit because it is not engaged primarily in retailing, even though it does, through the operation of the gift shop, restaurant and lounge, engage in some retailing activities.

- g) *Recapture. If, within 48 months after being placed in service, any property ceases to be qualified property in the hands of the taxpayer or the situs of any qualified property is moved outside of Illinois, or outside of the enterprise zone, for other than a temporary or transitory purpose, then the personal property tax replacement income for the taxable year in which such event occurred will be increased (IITA Section 201(e)(7)). If, during the 48 month period, the taxpayer ceased to be primarily engaged in retailing, manufacturing, coal or fluorite mining, the property ceases to be qualified property. Therefore, previously granted credits must be recaptured.*
- 1) Any property disposed of by the taxpayer within 48 months after being placed in service ceases to qualify.
 - 2) A taxpayer disposes of property when he sells the property, exchanges or trades in worn-out property for new property, abandons the property or retires it from use. Property destroyed by casualty, stolen, or transferred as a gift is treated as having been disposed of. Property which is mortgaged or used as security for a loan does not cease to qualify provided the taxpayer continues to use the property within Illinois. Property transferred to a trustee in bankruptcy is considered disposed of in the year the property is transferred to the trustee. A transfer of property by foreclosure is treated as a disposition.
 - 3) The reduction of the basis of qualified property resulting from the redetermination of the purchase price is a disposition of qualified property to the extent of such reduction in the taxable year the reduction takes place. This occurs, for example, when property is purchased and placed in service in one year, and in a later year the taxpayer receives a refund of part of the original purchase price. See [IRC section Regulation 1.47-2\(c\) under the Internal Revenue Code](#).

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- 4) In order to determine the amount by which the personal property tax replacement income tax must be increased in the taxable year in which the property ceased to qualify or was moved outside of Illinois or the enterprise zone, the taxpayer must recompute the investment credit for the taxable year in which the property was placed in service by eliminating from his calculations any such property. This recomputed investment credit is subtracted from the amount of credit actually used in the year in which the disqualified property was placed in service. The difference between the recomputed credit and the credit actually used is added to the personal property tax replacement income tax or the income tax for the year in which the property ceased to qualify or was moved outside of Illinois. If the recomputed credit is greater than the credit actually used in the year the property was placed in service, no addition to the current taxable year's personal property tax replacement income tax or income tax is required.

EXAMPLE: In 1985, Corporation A places qualifying property with a basis of \$55,000 into service in an enterprise zone located in Illinois and computes a Section 201(e) investment credit for the year of \$275 ($\$55,000 \times .5\%$) and a Section 201(h) investment credit of \$275 ($\$55,000 \times .5\%$). Corporation A's 1985 personal property tax replacement income tax is \$260 and its income tax liability for the year is \$420. After application of the credit, Corporation A has no remaining replacement tax liability and its remaining income tax liability is \$145. In the following year Corporation A moved a qualifying asset having a basis in 1985 of \$5,000 from Illinois and is therefore required to recapture a portion of the investment credit applied against its replacement tax. In order to determine its additional income tax for 1986, Corporation A must recompute its 1985 investment credit by eliminating the disqualified property ($\$55,000 - \$5,000 \times .5\% = \$250$). This recomputed credit is subtracted from the investment credit actually used in 1985 against the income tax ($\$260 - \$250 = \$10$) and the difference is added to Corporation A's 1986 income tax after application of the 1986 investment credit.

- h) Partnerships and Subchapter S Corporations.
- 1) *For each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under IITA Section 201(e) for the taxable year. The*

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election to pass through the credits shall be irrevocable. [IITA Section 201(e)(9)]

- A) This subsection (h)(1) applies only to partnerships. Subchapter S corporations may not pass credits through to their stockholders under this provision.
- B) Subject to the statute of limitations, the election under this subsection (h)(1) may be made retroactively. See *Borden Chemicals and Plastics, L.P. v. Zehnder*, 312 IllApp3d 35 (1st Dist. 2000). A retroactive election shall be made by filing an amended return by the partnership making the election for the tax year of the election and for any subsequent year affected by the election, and including a schedule of the credits to be passed through. An example of a subsequent year affected by an election would be a year in which a credit carried forward from a year prior to the election was used by the partnership or was passed through to the partners by an election for that subsequent year.
- C) All credits to which the partnership is entitled under IITA Section 201(e) in the year an election is made are passed through to the partners, including credits passed through to the partnership from another partnership, credits carried forward from prior years and the share attributable to partners who are not subject to Personal Property Tax Replacement Income Tax and exempt organizations not subject to tax under IITA Section 205(a).
- D) Any credit passed through to a partner must be used within the 5-year carryforward period allowed to the partnership. Thus, a credit earned by a partnership in the year the election is made may be used by the partner to whom it is passed in that partner's taxable year in which the taxable year of the partnership for which the election was made ends, and any unused amount may be carried forward to the 5 succeeding taxable years of the partner. If a partnership elects to pass through to its partners a credit earned in its immediately preceding taxable year, a partner may use that credit in its taxable year in which the taxable year of the partnership for which the election was made ends, and any unused amount may be carried forward to the 4 succeeding taxable years

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of the partner.

- 2) *For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under Section 203(d)(2)(I) of IITA or a shareholder that qualifies a ~~subchapter~~ ~~Subchapter~~ S corporation for a subtraction under Section 203(b)(2)(S) shall be allowed a credit under IITA Section 201(e) equal to its share of the credit earned under IITA Section 201(e) during the taxable year by the partnership or ~~subchapter~~ ~~Subchapter~~ S corporation, determined in accordance with the determination of income and distributive share of income under ~~sections~~ ~~Sections~~ 702 and 704 and ~~subchapter~~ ~~Subchapter~~ S of the Internal Revenue Code. [35 ILCS 5/201(e)(9)] Under this subsection (h)(2):*
- A) The provisions of this subsection (h)(2) apply to both partnerships and ~~subchapter~~ ~~Subchapter~~ S corporations.
 - B) Credits are passed through only in the year earned. Any amount carried forward from a prior year cannot flow through to the partners or shareholders of the entity.
 - C) The share of credits allocable to a partner or shareholder who is not subject to Personal Property Tax Replacement Income Tax and who is not exempt from taxation under IRC ~~section~~ ~~Section~~ 501(a) do not pass through to that partner or shareholder. ~~Those~~ ~~Such~~ amounts may be used by the partnership or ~~subchapter~~ ~~Subchapter~~ S corporation against ~~the~~ ~~its~~ Personal Property Tax Replacement Income Tax liability it incurs on the share of its income attributable to such partners or shareholders.
 - D) Any credit passed through to a partner or shareholder under this subsection (h)(2) may be used in the taxable year of the partner or shareholder in which the taxable year of the entity that passes the credit through ends, and may be carried forward to the 5 succeeding taxable years of the partner or shareholder until used.
 - E) Any credit passed through to a partnership or ~~subchapter~~ ~~Subchapter~~ S corporation under this subsection (h)(2) shall pass through to its partners or shareholders in the same manner as a credit earned by the partnership or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

[subchapter](#)~~Subchapter~~ S corporation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Forensic Training
- 2) Code Citation: 20 Ill. Adm. Code 1299
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1299.10	New Section
1299.20	New Section
1299.30	New Section
1299.40	New Section
1299.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed in order to establish the requirements and procedures for obtaining forensic training from the Department of State Police.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Ms. Suzanne L. Y. Bond

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

Interim Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: July 2011

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1299
FORENSIC TRAINING

Section	
1299.10	Introduction
1299.20	Definitions
1299.30	Request Procedures
1299.40	Fees
1299.50	Use of Funds

AUTHORITY: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 1299.10 Introduction

The Department of State Police, in the context of its powers and duties, provides services for local or regional police agencies. Local law enforcement agencies often desire to obtain critical knowledge of forensic services they provide to law enforcement through training of their staff. This Part is intended to establish the requirements and procedures for obtaining this training from the Department.

Section 1299.20 Definitions

"Department" means the Illinois Department of State Police.

"Requester" means a law enforcement agency that requests forensic training from the Department.

"Training" means any training produced by Department of State Police, Division of Forensic Services, personnel. This may include, but is not limited to, training of procedures, evidence collection, court testimony, forensic analysis, or forensic protocol.

Section 1299.30 Request Procedures

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- a) A requester shall complete an intergovernmental agreement.
- b) Each request shall include the appropriate fee for the particular request. The payment of fees shall be made by certified check, money order, or personal check; cash will not be accepted.
- c) The Department will not process the request until it has received a correctly completed intergovernmental agreement and the appropriate fees.
- d) The requested training shall be at an Illinois State Police facility unless other arrangements are made and paid for by the requester.
- e) The requester shall not reproduce, license, sell or further distribute training obtained without the written consent of the Department.
- f) The processing of requests shall be delayed or suspended when Department resources are needed for law enforcement purposes.

Section 1299.40 Fees

The fees will reflect the costs of providing Department personnel, equipment and services for the particular type of training requested. Fees received shall be deposited in the State Police Services Fund or as otherwise legally required.

Section 1299.50 Use of Funds

All fees collected for these services and deposited in the State Police Services Fund will be used to train requesters' staff, develop training programs, or assist in the training of personnel within the Department. Training of personnel can include workshops, seminars or other types of training programs for any services and disciplines within the Department.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: MIA/POW Scholarship
- 2) Code Citation: 95 Ill. Adm. Code 116
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
116.50	Amendment
116.80	Amendment
- 4) Statutory Authority: School Code [105 ILCS 5/30-14.2]
- 5) A Complete Description of the Subjects and Issues Involved: Limited expansion of eligibility for POW/MIA Scholarships until July 24, 2014.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

James Robideau, General Counsel
Department of Veterans' Affairs
100 W. Randolph St., Ste. 5-570
Chicago, IL 60601-3219

312/814-5391
- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF VETERANS' AFFAIRS

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did submit an agenda prior to the filing deadline.

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRSPART 116
MIA/POW SCHOLARSHIP

Section	
116.10	Administration of and Payment of Funds for the Scholarship
116.20	Payment by the Comptroller to Illinois State-Supported Institutions of Higher Learning
116.30	Determination of Eligibility of Dependents
116.40	Eligibility Requirements
116.50	Definition of Eligible Veteran <u>Veterans or Serviceperson</u> of Service-persons
116.60	Dependents of Dishonorable Discharged Veterans
116.70	Demonstration of Financial Need
116.80	Documentation
116.90	Issuance of Identification Card (I.D.)
116.100	Duration of the Scholarship
116.110	Full-Time Enrollment
116.120	Part-Time Enrollment
116.130	Receipt of points for Part-Time Enrollment
116.140	Semester System and Summer Term
116.150	Time to Complete Course of Study
116.160	Termination of Scholarships
116.170	Reimbursement of Tuition and Application Fees
116.180	Reimbursement of Other Fees
116.190	Non-Reimbursable Fees
116.200	Coverage of Tuition and Fees
116.210	Application for Reimbursement
116.220	Responsibility of Institutions to Submit Information Relative to Reimbursement
116.230	Simultaneous Reimbursement
116.240	Use of the Scholarship at Two or More Institutions Simultaneously
116.250	Appealing an Award Denial
116.260	Audit Procedures
116.270	Dependents with Physical, Mental or Developmental Disabilities
116.280	Reimbursement to Therapeutic, Rehabilitative or Education Facilities

AUTHORITY: Implementing and authorized by Section 30-14.2 of the School Code [105 ILCS 5/30-14.2].

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 12, p. 555, effective April 1, 1980; codified at 6 Ill. Reg. 8452; amended at 11 Ill. Reg. 11170, effective July 1, 1987; amended at 16 Ill. Reg. 7704, effective April 30, 1992; amended at 35 Ill. Reg. _____, effective _____.

Section 116.50 Definition of Eligible ~~Veteran~~Veterans or Serviceperson~~of Service-persons~~

Eligible ~~veteran~~veterans or ~~serviceperson~~servicepersons means any veteran or serviceperson who has been declared by the U.S. Department of Defense or the U.S. Department of Veterans Affairs Administration to be a Prisoner-of-War, be Missing-in-Action, have died as the result of a service-connected disability or be permanently disabled from service-connected causes with 100% disability and who, at the time of entering the service, was an Illinois resident or was an Illinois resident within six months ~~after~~of entering ~~the~~such service, or, until July 1, 2014, became an Illinois resident within 6 months after leaving the service and can establish at least 30 years of continuous residency in the State of Illinois.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 116.80 Documentation

a) The applicant must provide the following official documentation when applicable:

~~1)a)~~ Marriage Certificate

~~2)b)~~ Divorce Decree

~~3)c)~~ Birth Certificate

~~4)d)~~ Adoption Decree

~~5)e)~~ Letters of Guardianship

~~6)f)~~ Death Certificate or Report of Casualty

~~7)g)~~ DD 214 or Discharge

~~8)h)~~ Proof of Disability (Statement from Department of Defense or U.S. Department of Veterans Affairs Administration)

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- b) The definition of "eligible veteran or serviceperson" contained in Section 116.50 provides that, until July 1, 2014, eligibility may be established if the otherwise eligible veteran or serviceperson became an Illinois resident within 6 months after leaving military service and can establish 30 years of continuous residency in the State of Illinois.
- 1) Establishment of residency within 6 months after leaving military service shall be verified by providing one or more of the following documents:
- A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Healthcare and Family Services for the relevant six month period;
 - G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
 - H) State of Illinois identification card issued during the relevant six month period; or
 - I) Letter of employment on company letterhead verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109).
- 2) Thirty years of continuous residency shall be verified by providing one or more of the following documents:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- A) Copies of Illinois Income Tax forms for each of the 30 years of required residency;
- B) Copies of Illinois voter registration documents for each of the 30 years of required residency.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.210	Amendment
310.495	Amendment
310.APPENDIX A TABLE C	Amendment
310.APPENDIX A TABLE G	Amendment
310.APPENDIX A TABLE K	Amendment
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE N	Amendment
310.APPENDIX A TABLE P	Amendment
310.APPENDIX A TABLE Q	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.
- 9) Notices of Proposed Published in the Illinois Register: The proposed amendments were published in the January 14, 2011, Issue #3, 35 Ill. Reg. 678 and March 11, 2011, Issue #11, 35 Ill. Reg. 3874.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: This rulemaking is the result of a consolidation of 2 separate rulemakings (see #9 above.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

In the table of contents, the emergency amendments indicated for Sections 310.210, 310.495 and 310.Appendix A Tables C, G, K, L, N, P and Q are removed as the amendments have been replaced. The emergency amendments indicated for Sections 310.50 and 310.Appendix A Table AA are added as the emergency amendments (35 Ill. Reg. 5633) are in effect. The heading for 310.Appendix A Table C has the Historic Preservation Agency's full name as amended at 35 Ill. Reg. 765.

The main source notes are updated to include the page numbers and effective date of rulemakings since the first notice.

In Sections 310.495(g), the references to other sections of the Pay Plan are changed to the format recommended by JCAR staff.

Public Act 96-1490 amended the Illinois Pension Code [40 ILCS 5] Section 1-160 that was added by Public Act 96-0889. In Sections 310.Appendix A Tables C, G, K, L, P and Q, information with respect to newly hired employees and retirement systems is added reflecting the Public Act 96-1490 amendments to the Illinois Pension Code [40 ILCS 5] Section 1-160(a).

In Section 310.Appendix A Table C, the title codes for Plant and Pesticide Specialist Supervisor, Veterinary Pathologist and Warehouse Examiner Supervisor are changed to 32506, 47916 and 48786 as amended at 35 Ill. Reg. 765.

In Section 310.Appendix A Table N, the Department of Healthcare and Family Services and the Environmental Protection Agency are added to the agencies with Public Service Administrator title Option 8L positions assigned to the RC-10-24 pay grade as amended by peremptory amendment at 35 Ill. Reg. 4803.

- 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? Yes, the emergency amendments adopted in 2 separate emergency rulemakings (35 Ill. Reg. 1092 and 4412) for Section 310.210, Section 310.495 and 310.Appendix A Tables C, G, K, L, N P and Q are replaced.
- 14) Are there any amendments pending on this Part? Yes.

Section Numbers:

Proposed Action:

Ill. Reg. Citation:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310.47	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.APPENDIX A Table AA	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.50	Amendment	35 Ill. Reg. 4858; April 1, 2011
310.APPENDIX A Table AA	Amendment	35 Ill. Reg. 4858; April 1, 2011
310.47	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table K	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table M	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table P	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table Q	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table S	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table T	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A Table U	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705; April 8, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310.APPENDIX D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705; April 8, 2011

15) Summary and Purpose of Amendments:

The following actions affected Section 310.210:

Effective January 1, 2011, State employees newly hired into positions allocated to twenty-six titles, represented by one of ten bargaining units and at the Department of Human Services, receive the negotiated regular pension formula rate for the State of Illinois. The Memorandum of Agreement (MOA) Pension Reform with the United Food and Commercial Workers International Union for the Barber, Beautician, Teacher of Barbering and Teacher of Beauty Culture titles was signed October 15, 2010. The MOA Pension Reform with the United Brotherhood of Carpenters and Joiners of America for the Carpenter and Carpenter Foreman titles was signed October 5, 2010. The MOA Pension Reform with the International Brotherhood of Electrical Workers for the Electrician title was signed November 17, 2010. The MOA Pension Reform with the International Association of Machinists and Aerospace Workers for the Machinist title was signed November 29, 2010. The MOA Pension Reform with the International Union of Operating Engineers for the Sewage Plant Operator, Water Plant Operator, Stationary Engineer, Stationary Engineer-Assistant Chief and Stationary Engineer Chief titles was signed October 7, 2010. The MOA Pension Reform with the International Union of Painters and Allied Trades for the Painter, Sign Painter and Sign Painter Helper titles was signed October 8, 2010. The MOA Pension Reform with the Illinois State Bricklayers and Allied Craftworkers for the Brickmason, Cement Finisher and Plasterer titles was signed October 4, 2010. The MOA Pension Reform with the Sheet Metal Workers International Association for the Sign Hanger, Sign Hanger (Foreman) and Tinsmith titles was signed October 22, 2010. The MOA Pension Reform with the Illinois Pipe Trades Association for the Plumber and Steamfitter titles was signed October 5, 2010. The MOA Pension Reform with the National Conference of Firemen and Oilers Local Number 7 affiliated with Service Employees International Union for the Maintenance Worker (Power Plant) and Stationary Fireman titles was signed October 14, 2010. The MOAs state that Department of Human Services employees hired to positions which were previously covered by the alternative pension formula prior to January 1, 2011, are now covered by the standard pension formula rate set forth in the Hourly Wage Article.

In Section 310.210, a statement is added that effective January 1, 2011, newly hired employees into positions at the Department of Human Services allocated to specific titles shall be paid an additional 4.00% above the prevailing rate of wages, minus the per hour costs of fringe benefits. The rates of pay for the Baker, Highway Construction

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Equipment Operator, Laborer, Laborer (Building), Laborer Foreman, Roofer and Trades Tender titles are not affected.

The following actions affected Section 310.Appendix A, Tables C, G, P, and Q:
The Illinois Federation of Public Employees (IFPE) RC-056, RC-045, RC-029 and RC-033 bargaining units Memorandum of Understanding (MOU) signed December 22, 2010 states that employees hired to position classifications which were previously covered by the alternative pension formula prior to January 1, 2011, but are now covered by the standard pension formula pursuant to Public Act 96-0889 shall be placed on the Regular Formula salary grade for the appropriate classification as outlined in Schedule A, Part X of the Collective Bargaining Agreement.

In Sections 310.Appendix A Table C and in the title table, "See Note" is added to the Security Officer Chief and Security Officer Lieutenant titles. After the title and rate tables, the Note is added.

In Sections 310.Appendix A Table G, "See Note" is added to the Auto & Body Repairer, Automotive Attendant I, Automotive Attendant II, Automotive Mechanic, Storekeeper I, and Storekeeper II titles. The asterisk that indicated a Note for the Storekeeper I, and Storekeeper II titles is removed; these two titles are not affected by the MOU. The Note is changed and a statement is added.

In Sections 310.Appendix A Table P and in the title table, "See Note" is added to the Agricultural Products Promoter, Arson Investigator I, Arson Investigator II, Arson Investigator II (Lead Worker), Breath Alcohol Analysis Technician, Commerce Commission Police Officer I, Commerce Commission Police Officer II, Environmental Protection Legal Investigator I, Fingerprint Technician, Fire Prevention Inspector II, Fire Prevention Inspector Trainee, Licensing Investigator I, Licensing Investigator III, Licensing Investigator IV, Plant and Pesticide Specialist I, Plant and Pesticide Specialist II, Plumbing Inspector, Police Officer I, Police Officer II, Police Officer III, Polygraph Examiner I, Polygraph Examiner II, Polygraph Examiner III, Security Officer, Security Officer Sergeant, Seed Analyst II, Truck Weighing Inspector, Vehicle Compliance Inspector, Vehicle Emissions Compliance Inspector, Vehicle Emissions Quality Assurance Auditor, Vital Records Quality Control Inspector, Warehouse Claims Specialist titles. After the title and rate tables, a statement is added to the Note.

In Sections 310.Appendix A Table Q and after the title and rate tables, the Note is added. No established positions are affected.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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The following actions affected Section 310. Appendix A Table K:

Effective January 1, 2011, State employees newly hired into positions allocated to Registered Nurse I, Registered Nurse II or Registered Nurse–Advanced Practice titles, represented by the Illinois Nurses Association (INA) RC-023 bargaining unit and outside of the Departments of Corrections and Juvenile Justice, receive Pay Plan Code B (negotiated regular pension formula rate for the State of Illinois). INA and the State signed on December 9, 2010 the RC-023 Pension Reform MOU which states that employees hired to position classifications which were previously covered by the alternative pension formula prior to January 1, 2011, but are now covered by the standard formula pursuant to Public Act 96-0889; shall be placed on the Regular Formula salary grade for the appropriate classification as outlined in Schedule A of the Collective Bargaining Agreement.

Schedule A of the Collective Bargaining Agreement was revised to reflect the wage deferral per Memorandum of Agreement and Correction to the Memorandum of Understanding for Registered Nurse – Advanced Practice between the Illinois Nurses Association (INA) and the State of Illinois signed October 15, 2010.

In Section 310. Appendix A Table K and rate tables effective January 1, 2011 or after, "See Note" is added to the Registered Nurse I, Registered Nurse II or Registered Nurse–Advanced Practice titles. The Note is changed.

The following actions affected Section 310. Appendix A Table L:

Effective January 1, 2011, State employees newly hired into positions allocated to the Boiler Safety Specialist title, represented by the International Brotherhood of Boiler Makers bargaining unit and at the Department of Human Services, receive the negotiated regular pension formula rate for the State of Illinois. The MOA Pension Reform with the International Brotherhood of Boiler Makers for the Boiler Safety Specialist title was signed October 4, 2010.

The following actions affected Sections 310.495 and 310. Appendix A Table N:

The Illinois Labor Relations Board (ILRB) State Panel issued Revocations of Certification of the Public Service Administrator (PSA) title Option 8L (Administrative Law Judge) positions employed at the Departments of Healthcare and Family Services and Human Services included in American Federation of State County and Municipal Employees (AFSCME) RC-010 bargaining unit effective February 16, 2011. The Revocations void the bargaining unit representation and agreements assigning RC-010 bargaining unit pay grades and pay treatment. Effective February 16, 2011, the employees appointed to the PSA title Option 8L positions at the Departments of Healthcare and Family Services and Human Services and the positions are subject to the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

jurisdiction of the Merit Compensation System (310.410) and assigned to the PSA broadband salary range (310.Appendix G), and may receive immediate downward adjustment in base salary (310.480(e)).

The State of Illinois Appellate Court Fourth District Order (General Nos. 4-09-0233, 4-09-0234 cons. State of IL CMS v. State of IL ILRB) filed December 28, 2010 reversed the ILRB and remanded for further proceedings appropriate under the statutory and administrative code provisions. The ILRB is to follow its administrative code applicable to the certification. The timeframe of the ILRB administrative code process and certification decision, and potential court appeals, negotiations and Memoranda of Understanding (MOUs) assigning pay is undetermined.

The ILRB State Panel issued February 16, 2011 the Revocation of Certification (Case No, S-RC-08-130) Public Service Administrator, Option 8L (Administrative Law Judge employed in the Department of Healthcare and Family Services) and the Revocation of Certification (Case No, S-RC-08-154) Public Service Administrator, Option 8L (Administrative Law Judge employed in the Department of Human Services). Effective January 29, 2009 through February 16, 2011, the PSA title Option 8L (Administrative Law Judge) positions at the Departments of Healthcare and Family Services and Human Services were assigned to the RC-010-24 pay grade by MOUs signed April 15, 2009 and the employees received pay treatment based on the MOUs and subsequent RC-010 bargaining unit agreements. The PSA title Option 8L (Administrative Law Judge) positions at the Departments of Healthcare and Family Services and Human Services are not assigned to the RC-010-24 pay grade effective February 16, 2011.

In Section 310.495, subsection (g) is added describing the pay treatment upon the ILRB State Panel issuing a Revocation of Certification of representation by a bargaining unit when an agreement exists between the bargaining unit and the State assigning pay.

In Section 310.Appendix A Table N, the Public Service Administrator Option 8L (Administrative Law Judge) Departments of Healthcare and Family Services and Human Services, its title code, bargaining unit and pay grade are removed from the title table.

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

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

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

- 17) Do these rulemakings require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
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310.60	Conversion of Base Salary to Pay Period Units
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310.270	Legislated Rate
310.280	Designated Rate
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310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
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310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
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310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
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310.480	Decreases in Pay
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310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
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310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

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- 310.APPENDIX C Medical Administrator Rates (Repealed)
310.APPENDIX D Merit Compensation System Salary Schedule
310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory

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amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg.

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3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg.

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13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

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Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3,

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2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34

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Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011.

SUBPART B: SCHEDULE OF RATES

Section 310.210 Prevailing Rate

Prevailing rate means the rate of pay for each class and locality certified as being correct by the Director of the Illinois Department of Labor and approved by the Director of Central Management Services or as established under the Prevailing Wage Act [820 ILCS 130]. The following are prevailing rate classes:

Baker	Rofer
Barber	Sewage Plant Operator
Beautician	Sign Hanger
Brickmason	Sign Hanger Foreman
Carpenter	Sign Painter
Carpenter Foreman	Sign Painter Helper

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Cement Finisher	Stationary Engineer
Electrician	Stationary Engineer – Assistant Chief
Highway Construction Equipment Operator	Stationary Engineer – Chief
Laborer	Stationary Fireman
Laborer (Building)	Steamfitter
Laborer Foreman	Teacher of Barbering
Machinist	Teacher of Beauty Culture
Maintenance Worker (Power Plant)	Tinsmith
Painter	Trades Tender
Plasterer	Water Plant Operator
Plumber	

Effective January 1, 2006, employees shall be paid an additional 4.00% above the prevailing rate of wages for employees on the standard pension formula and 5.5% above the prevailing rate of wages for employees on the alternative pension formula, minus the per hour costs of fringe benefits.

Effective January 1, 2011, newly hired employees into positions at the Department of Human Services allocated to the Barber, Beautician, Brickmason, Carpenter, Carpenter Foreman, Cement Finisher, Electrician, Machinist, Maintenance Worker (Power Plant), Painter, Plasterer, Plumber, Sewage Plant Operator, Sign Hanger, Sign Hanger Foreman, Sign Painter, Sign Painter Helper, Stationary Engineer, Stationary Engineer – Assistant Chief, Stationary Engineer – Chief, Stationary Fireman, Steamfitter, Teacher of Barbering, Teacher of Beauty Culture, Tinsmith and Water Plant Operator titles shall be paid an additional 4.00% above the prevailing rate of wages, minus the per hour costs of fringe benefits. Newly hired employees are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

SUBPART C: MERIT COMPENSATION SYSTEM

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Section 310.495 Broad-Band Pay Range Classes

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

- a) Salary Range – The salary range for broad-band classes shall be as set out in Appendix G.
- b) Entrance Base Salary –
 - 1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.
 - 2) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.
 - 3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).
- c) Salary Adjustment for Substantial Additional Duties and Responsibilities within the Same Position or for Transfer to Another Position with Substantial Additional Duties and Responsibilities in the Same Title – An upward salary adjustment that is not more than 5% above the employee's current base salary in a broad-band position classification may be made by the employing agency where the employee's position has been given substantial additional duties and responsibilities but will remain in the same classification or where the employee transfers to another position with substantial additional duties and responsibilities in the same broad-band class. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470). The salary adjustment shall not change the creditable service date.
- d) Movement between Salary Systems – Salary treatment on movement of an employee between one position in the broad-band class series and another

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position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of Central Management Services.

- e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes – For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade". The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade".
- 1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.
 - 2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.
- f) Out-of-State Adjustment for Positions allocated to Broad-banded Titles, Not Represented by a Bargaining Unit –
- 1) Requirements – The out-of-state rate is the base salary for an employee appointed to a position not subject to Section 310.220 but subject to broad-banded Merit Compensation classification titles listed in subsection (f)(4) that require payment in accordance with the economic conditions of another state. The employee shall reside in the state where the position is assigned.
 - 2) Approval – The Director of Central Management Services shall, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

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- 3) Calculation – Ranges assigned to states other than Illinois, California and New Jersey are 15% above the ranges assigned to in-state positions and are listed in subsection (f)(4). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions and are listed in subsection (f)(4).
- 4) Minimum and Maximum Out-of-State Rates in Ranges by Classification Title –

Title	Out-Of State Ranges	
	Minimum	Maximum
Public Service Administrator, Option 1		
(States Other Than CA and NJ)	3583	9546
(CA, NJ)	4051	10791
Senior Public Service Administrator		
(States Other Than CA and NJ)	4939	12075
(CA, NJ)	5584	13650

- g) Pay Treatment upon Illinois Labor Relations Board State Panel Revocation of Certification of Representation by a Bargaining Unit – Upon the Illinois Labor Relations Board (ILRB) State Panel issuing a Revocation of Certification of representation by a bargaining unit when an agreement exists between the bargaining unit and the State assigning pay, effective the date of the issuance, the position is subject to the jurisdiction of the Merit Compensation System (Section 310.410) and assigned to the broad-band salary range assigned to the position's classification (Appendix G), and may receive an immediate downward adjustment in base salary (Section 310.480(e)).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE C RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Agricultural Executive	00800	RC-056	20
Agricultural Land and Water Resources Supervisor	00811	RC-056	21
Natural Resources Education Program Coordinator	28834	RC-056	20
Natural Resources Grant Coordinator	28835	RC-056	19
Natural Resources Manager I	28836	RC-056	20
Natural Resources Manager II	28837	RC-056	22
Natural Resources Manager III	28838	RC-056	24
Natural Resources Site Manager I	28841	RC-056	20
Natural Resources Site Manager II	28842	RC-056	22
Plant and Pesticide Specialist Supervisor	32506	RC-056	19
Security Officer Chief (See Note)	39875	RC-056	16
Security Officer Lieutenant (See Note)	39876	RC-056	14
Site Superintendent I	41211	RC-056	19
Site Superintendent II	41212	RC-056	21
Site Superintendent III	41213	RC-056	23
Veterinary Consumer Safety Officer	47911	RC-056	19
Veterinary Pathologist	47916	RC-056	23
Veterinary Supervisor I	47917	RC-056	21
Veterinary Supervisor II	47918	RC-056	22
Warehouse Examiner Supervisor	48786	RC-056	19

Effective July 1, 2008

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
19	B	4273	4475	4683	4880	5083	5392	5497	5717
20	B	4513	4723	4948	5163	5377	5703	5816	6049
21	B	4770	5000	5233	5472	5700	6055	6176	6423

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22	B	5046	5292	5542	5799	6040	6416	6544	6806
23	B	5356	5631	5899	6171	6439	6843	6979	7258
24	B	5529	5816	6094	6375	6658	7057	7217	7505

Effective January 1, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
19	B	4337	4542	4753	4953	5159	5473	5579	5803
20	B	4581	4794	5022	5240	5458	5789	5903	6140
21	B	4842	5075	5311	5554	5786	6146	6269	6519
22	B	5122	5371	5625	5886	6131	6512	6642	6908
23	B	5436	5715	5987	6264	6536	6946	7084	7367
24	B	5612	5903	6185	6471	6758	7163	7325	7618

Effective May 19, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3387	3519	3672	3807	3951	4182	4266	4437
14	Q	3531	3674	3835	3979	4131	4371	4458	4637
16	B	3710	3874	4036	4205	4372	4630	4725	4914
16	Q	3874	4049	4218	4392	4569	4841	5037	5239

Effective July 1, 2009

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3472	3607	3764	3902	4050	4287	4373	4548
14	Q	3619	3766	3931	4078	4234	4480	4569	4753
16	B	3803	3971	4137	4310	4481	4746	4843	5037
16	Q	3971	4150	4323	4502	4683	4962	5163	5370
19	B	4445	4656	4872	5077	5288	5610	5718	5948
20	B	4696	4914	5148	5371	5594	5934	6051	6294

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21	B	4963	5202	5444	5693	5931	6300	6426	6682
22	B	5250	5505	5766	6033	6284	6675	6808	7081
23	B	5572	5858	6137	6421	6699	7120	7261	7551
24	B	5752	6051	6340	6633	6927	7342	7508	7808

Effective January 1, 2010

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3541	3679	3839	3980	4131	4373	4460	4639
14	Q	3691	3841	4010	4160	4319	4570	4660	4848
16	B	3879	4050	4220	4396	4571	4841	4940	5138
16	Q	4050	4233	4409	4592	4777	5061	5266	5477
19	B	4534	4749	4969	5179	5394	5722	5832	6067
20	B	4790	5012	5251	5478	5706	6053	6172	6420
21	B	5062	5306	5553	5807	6050	6426	6555	6816
22	B	5355	5615	5881	6154	6410	6809	6944	7223
23	B	5683	5975	6260	6549	6833	7262	7406	7702
24	B	5867	6172	6467	6766	7066	7489	7658	7964

Effective July 1, 2010

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3612	3753	3916	4060	4214	4460	4549	4732
14	Q	3765	3918	4090	4243	4405	4661	4753	4945
16	B	3957	4131	4304	4484	4662	4938	5039	5241
16	Q	4131	4318	4497	4684	4873	5162	5371	5587
19	B	4625	4844	5068	5283	5502	5836	5949	6188
20	B	4886	5112	5356	5588	5820	6174	6295	6548
21	B	5163	5412	5664	5923	6171	6555	6686	6952
22	B	5462	5727	5999	6277	6538	6945	7083	7367
23	B	5797	6095	6385	6680	6970	7407	7554	7856
24	B	5984	6295	6596	6901	7207	7639	7811	8123

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Effective January 1, 2011

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3684	3828	3994	4141	4298	4549	4640	4827
14	Q	3840	3996	4172	4328	4493	4754	4848	5044
16	B	4036	4214	4390	4574	4755	5037	5140	5346
16	Q	4214	4404	4587	4778	4970	5265	5478	5699
19	B	4718	4941	5169	5389	5612	5953	6068	6312
20	B	4984	5214	5463	5700	5936	6297	6421	6679
21	B	5266	5520	5777	6041	6294	6686	6820	7091
22	B	5571	5842	6119	6403	6669	7084	7225	7514
23	B	5913	6217	6513	6814	7109	7555	7705	8013
24	B	6104	6421	6728	7039	7351	7792	7967	8285

NOTE: An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011 and, effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE G RC-045 (Automotive Mechanics, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2010 Monthly Rate</u>	<u>January 1, 2011 Monthly Rate</u>
Auto & Body Repairer (See Note)	03680	RC-045	B	5045	5146
Auto & Body Repairer (See Note)	03680	RC-045	Q	5224	5328
Auto & Body Repairer (See Note)	03680	RC-045	S	5298	5404
Automotive Attendant I (See Note)	03696	RC-045	B	3048	3109
Automotive Attendant I (See Note)	03696	RC-045	Q	3169	3232
Automotive Attendant I (See Note)	03696	RC-045	S	3236	3301
Automotive Attendant II (See Note)	03697	RC-045	B	3254	3319
Automotive Attendant II (See Note)	03697	RC-045	Q	3382	3450
Automotive Attendant II (See Note)	03697	RC-045	S	3449	3518
Automotive Mechanic (See Note)	03700	RC-045	B	5045	5146
Automotive Mechanic (See Note)	03700	RC-045	Q	5224	5328
Automotive Mechanic (See Note)	03700	RC-045	S	5298	5404
Automotive Parts Warehouse	03730	RC-045	B	4846	4943
Automotive Parts Warehouse Specialist	03734	RC-045	B	4939	5038
Small Engine Mechanic	41150	RC-045	B	4441	4530
Storekeeper I* (See Note)	43051	RC-045	B	4747	4842
Storekeeper II* (See Note)	43052	RC-045	B	4849	4946

[Note:](#) [The Storekeeper I and II titles are in](#) *Cook County only.

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An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011 and, effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE K RC-023 (Registered Nurses, INA)****Effective January 1, 2009****Bargaining Unit: RC-023**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Registered Nurse – Advanced Practice	38135	B	5004	5262	5506	5759	6118	6330	6553	6816
Registered Nurse – Advanced Practice	38135	Q	5078	5340	5587	5844	6209	6424	6650	6917
Registered Nurse – Advanced Practice	38135	S	5128	5390	5637	5894	6259	6474	6700	6967

Effective July 1, 2009**Bargaining Unit: RC-023**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Registered Nurse – Advanced Practice	38135	B	5129	5394	5644	5903	6271	6488	6717	6986
Registered Nurse – Advanced Practice	38135	Q	5205	5474	5727	5990	6364	6585	6816	7090
Registered Nurse – Advanced Practice	38135	S	5255	5524	5777	6040	6414	6635	6866	7140

Effective January 1, 2010**Bargaining Unit: RC-023**

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Registered Nurse – Advanced Practice	38135	B	5232	5502	5757	6021	6396	6618	6851	7126

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Registered Nurse – Advanced Practice	38135	Q	5309	5583	5842	6110	6491	6717	6952	7232
Registered Nurse – Advanced Practice	38135	S	5359	5633	5892	6160	6541	6767	7002	7282

Effective July 1, 2010
Bargaining Unit: RC-023

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Child Welfare Nurse Specialist	07197	B	4736	4958	5198	5435	5782	5984	6194	6441
Corrections Nurse I	09825	Q	4490	4698	4920	5132	5467	5660	5858	6091
Corrections Nurse I	09825	S	4540	4748	4970	5182	5517	5710	5908	6141
Corrections Nurse II	09826	Q	5047	5283	5536	5791	6158	6376	6598	6863
Corrections Nurse II	09826	S	5097	5333	5586	5841	6208	6426	6648	6913
Health Facilities Surveillance Nurse	18150	B	4736	4958	5198	5435	5782	5984	6194	6441
Nursing Act Assistant Coordinator	29731	B	5031	5288	5532	5784	6147	6360	6584	6848
Registered Nurse I	38131	B	4214	4416	4619	4824	5131	5313	5498	5717
Registered Nurse I	38131	Q	4276	4482	4685	4894	5206	5389	5577	5801
Registered Nurse II	38132	B	4736	4958	5198	5435	5782	5984	6194	6441
Registered Nurse II	38132	Q	4806	5031	5272	5513	5868	6073	6283	6535
Registered Nurse – Advanced Practice	38135	B	5337	5612	5872	6141	6524	6750	6988	7269
Registered Nurse – Advanced Practice	38135	Q	5415	5695	5959	6232	6621	6851	7091	7377
Registered Nurse – Advanced Practice	38135	S	5465	5745	6009	6282	6671	6901	7141	7427

Effective January 1, 2011
Bargaining Unit: RC-023

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<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Child Welfare Nurse Specialist	07197	B	4783	5008	5250	5489	5840	6044	6256	6505
Corrections Nurse I	09825	Q	4535	4745	4969	5183	5522	5717	5917	6152
Corrections Nurse I	09825	S	4585	4795	5019	5233	5572	5767	5967	6202
Corrections Nurse II	09826	Q	5097	5336	5591	5849	6220	6440	6664	6932
Corrections Nurse II	09826	S	5147	5386	5641	5899	6270	6490	6714	6982
Health Facilities Surveillance Nurse	18150	B	4783	5008	5250	5489	5840	6044	6256	6505
Nursing Act Assistant Coordinator	29731	B	5081	5341	5587	5842	6208	6424	6650	6916
Registered Nurse I (See Note)	38131	B	4256	4460	4665	4872	5182	5366	5553	5774
Registered Nurse I (See Note)	38131	Q	4319	4527	4732	4943	5258	5443	5633	5859
Registered Nurse II (See Note)	38132	B	4783	5008	5250	5489	5840	6044	6256	6505
Registered Nurse II (See Note)	38132	Q	4854	5081	5325	5568	5927	6134	6346	6600
Registered Nurse – Advanced Practice (See Note)	38135	B	5390	5668	5931	6202	6589	6818	7058	7342
Registered Nurse – Advanced Practice (See Note)	38135	Q	5469	5752	6019	6294	6687	6920	7162	7451
Registered Nurse – Advanced Practice	38135	S	5519	5802	6069	6344	6737	6970	7212	7501

Effective June 30, 2011
Bargaining Unit: RC-023

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>

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Child Welfare Nurse Specialist	07197	B	4831	5058	5303	5544	5898	6104	6319	6570
Corrections Nurse I	09825	Q	4580	4792	5019	5235	5577	5774	5976	6214
Corrections Nurse I	09825	S	4630	4842	5069	5285	5627	5824	6026	6264
Corrections Nurse II	09826	Q	5148	5389	5647	5907	6282	6504	6731	7001
Corrections Nurse II	09826	S	5198	5439	5697	5957	6332	6554	6781	7051
Health Facilities Surveillance Nurse	18150	B	4831	5058	5303	5544	5898	6104	6319	6570
Nursing Act Assistant Coordinator	29731	B	5132	5394	5643	5900	6270	6488	6717	6985
Registered Nurse I (See Note)	38131	B	4299	4505	4712	4921	5234	5420	5609	5832
Registered Nurse I (See Note)	38131	Q	4362	4572	4779	4992	5311	5497	5689	5918
Registered Nurse II (See Note)	38132	B	4831	5058	5303	5544	5898	6104	6319	6570
Registered Nurse II (See Note)	38132	Q	4903	5132	5378	5624	5986	6195	6409	6666
Registered Nurse – Advanced Practice (See Note)	38135	B	5444	5725	5990	6264	6655	6886	7129	7415
Registered Nurse – Advanced Practice (See Note)	38135	Q	5524	5810	6079	6357	6754	6989	7234	7526
Registered Nurse – Advanced Practice	38135	S	5574	5860	6129	6407	6804	7039	7284	7576

NOTE: Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who have 3 or more years of creditable service on Step 8 in the same pay grade. Effective July 1, 2010, the Step 8 rate shall be increased by \$75 per month for those employees who have 6 or more years of creditable service on Step 8 in the same pay grade.

[Effective January 1, 2011, employees newly hired into positions allocated to the Registered Nurse I, Registered Nurse II or Registered Nurse – Advanced Practice titles and outside of the Departments of Corrections and Juvenile Justice receive Pay Plan Code B rates. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System \(SERS\) or](#)

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any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
Boiler Safety Specialist	04910	Northern	July 1, 2009	7784.76
Boiler Safety Specialist	04910	Central	January 1, 2009	6183.96
Boiler Safety Specialist	04910	Southern	January 1, 2009	5700.24

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of

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[Chicago, State Universities Retirement System \(SURS\) and Teachers' Retirement System of the State of Illinois \(TRS\).](#)

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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

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

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

**Effective July 1, 2009
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913

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20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23H	B	31.62	32.57	33.54	35.32	37.13	38.90	40.69	42.46	45.13	46.94
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143

**Effective January 1, 2010
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23H	B	32.26	33.22	34.22	36.03	37.88	39.67	41.50	43.30	46.03	47.88
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306

**Effective July 1, 2010
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S							
		1a	1	2	3	4	5	6	7

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18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23H	B	33.55	34.56	36.39	38.26	40.07	41.91	43.74	46.49	48.36
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389

Effective January 1, 2011
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23H	B	33.89	34.90	36.76	38.64	40.47	42.33	44.17	46.96	48.84
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473

Effective June 1, 2011
Bargaining Unit: RC-010

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Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23H	B	34.57	35.60	37.49	39.42	41.28	43.18	45.06	47.90	49.82
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Agricultural Products Promoter (See Note)	00815	RC-029	13
Animal and Animal Products Investigator	01072	RC-029	14
Apiary Inspector	01215	RC-029	04
Apiary Inspector (hourly)	01215	RC-029	04H
Arson Investigator I (See Note)	01481	RC-029	16
Arson Investigator II (See Note)	01482	RC-029	18
Arson Investigator II (Lead Worker) (See Note)	01482	RC-029	19
Breath Alcohol Analysis Technician (See Note)	05170	RC-029	16
Commerce Commission Police Officer I (See Note)	08451	RC-029	16
Commerce Commission Police Officer II (See Note)	08452	RC-029	18
Commodities Inspector	08770	RC-029	10
Drug Compliance Investigator	12778	RC-029	25
Elevator Inspector	13495	RC-029	18.5
Environmental Protection Legal Investigator I (See Note)	13811	RC-029	12
Environmental Protection Legal Investigator II	13812	RC-029	14
Environmental Protection Legal Investigator Specialist	13815	RC-029	15
Explosives Inspector I	14051	RC-029	14
Explosives Inspector II	14052	RC-029	17
Fingerprint Technician (See Note)	15204	RC-029	12
Fingerprint Technician Supervisor	15208	RC-029	17
Fire Prevention Inspector I	15316	RC-029	15
Fire Prevention Inspector II (See Note)	15317	RC-029	18
Fire Prevention Inspector Trainee (See Note)	15320	RC-029	12
Guard I	17681	RC-029	05
Guard II	17682	RC-029	08
Guard III	17683	RC-029	11
Licensing Assistant	23568	RC-029	07
Licensing Investigator I (See Note)	23571	RC-029	12
Licensing Investigator II	23572	RC-029	15
Licensing Investigator III (See Note)	23573	RC-029	16
Licensing Investigator IV (See Note)	23574	RC-029	18

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Liquor Control Special Agent I	23751	RC-029	15
Motorist Assistance Specialist	28490	RC-029	07
Plant and Pesticide Specialist I (See Note)	32501	RC-029	16
Plant and Pesticide Specialist II (See Note)	32502	RC-029	18
Plumbing Inspector (See Note)	32915	RC-029	19
Police Officer I (See Note)	32981	RC-029	16
Police Officer II (See Note)	32982	RC-029	18
Police Officer III (See Note)	32983	RC-029	20
Polygraph Examiner I (See Note)	33001	RC-029	18
Polygraph Examiner II (See Note)	33002	RC-029	20
Polygraph Examiner III (See Note)	33003	RC-029	22
Products and Standards Inspector	34603	RC-029	14
Security Officer (See Note)	39870	RC-029	12
Security Officer Sergeant (See Note)	39877	RC-029	13
Seed Analyst I	39951	RC-029	11
Seed Analyst II (See Note)	39952	RC-029	12
Site Security Officer	41115	RC-029	08
Truck Weighing Inspector (See Note)	46100	RC-029	12
Vehicle Compliance Inspector (See Note)	47570	RC-029	16
Vehicle Emissions Compliance Inspector (See Note)	47580	RC-029	12
Vehicle Emissions Quality Assurance Auditor (See Note)	47584	RC-029	13
Vital Records Quality Control Inspector (See Note)	48000	RC-029	12
Warehouse Claims Specialist (See Note)	48780	RC-029	19
Warehouse Examiner	48881	RC-029	15
Warehouse Examiner Specialist	48882	RC-029	17
Well Inspector I	49421	RC-029	14
Well Inspector II	49422	RC-029	17

Effective July 1, 2010
Bargaining Unit: RC-029

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
04	B	2659	2729	2791	2869	2933	3058	3109	3233
04H	B	15.28							

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05	B	2734	2804	2876	2947	3019	3144	3197	3325
07	B	2884	2969	3053	3133	3223	3370	3429	3567
08	B	2975	3063	3160	3246	3337	3496	3558	3702
10	B	3183	3277	3385	3492	3601	3785	3854	4009
11	B	3293	3399	3522	3637	3751	3949	4025	4186
12	B	3434	3547	3679	3800	3940	4151	4229	4398
12	Q	3576	3694	3836	3967	4111	4335	4423	4600
13	B	3564	3700	3837	3977	4127	4355	4442	4619
13	Q	3711	3857	4009	4154	4307	4552	4641	4828
14	B	3721	3866	4035	4182	4340	4594	4686	4874
15	B	3891	4051	4210	4382	4544	4818	4910	5107
16	B	4075	4256	4432	4619	4802	5086	5191	5398
16	Q	4448	4634	4825	5018	5317	5423	5534	5756
17	B	4275	4473	4662	4851	5048	5348	5457	5675
18	B	4508	4720	4934	5134	5341	5659	5771	6003
18	Q	4933	5157	5367	5580	5916	6033	6153	6399
18.5	B	4533	4764	4989	5219	5441	5667	6012	6253
19	B	4764	4989	5219	5441	5667	6012	6129	6374
19	Q	5095	5320	5532	5746	6077	6194	6316	6569
20	B	5032	5265	5515	5757	5995	6358	6484	6743

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20	Q	5257	5505	5766	6014	6265	6647	6776	7047
22	B	5625	5900	6179	6466	6733	7153	7295	7588
22	Q	5879	6169	6457	6755	7039	7475	7628	7932
25	B	6357	6691	7010	7335	7665	8147	8311	8643

Effective January 1, 2011
Bargaining Unit: RC-029

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
04	B	2712	2784	2847	2926	2992	3119	3171	3298
04H	B	15.59							
05	B	2789	2860	2934	3006	3079	3207	3261	3392
07	B	2942	3028	3114	3196	3287	3437	3498	3638
08	B	3035	3124	3223	3311	3404	3566	3629	3776
10	B	3247	3343	3453	3562	3673	3861	3931	4089
11	B	3359	3467	3592	3710	3826	4028	4106	4270
12	B	3503	3618	3753	3876	4019	4234	4314	4486
12	Q	3648	3768	3913	4046	4193	4422	4511	4692
13	B	3635	3774	3914	4057	4210	4442	4531	4711
13	Q	3785	3934	4089	4237	4393	4643	4734	4925
14	B	3795	3943	4116	4266	4427	4686	4780	4971

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15	B	3969	4132	4294	4470	4635	4914	5008	5209
16	B	4157	4341	4521	4711	4898	5188	5295	5506
16	Q	4537	4727	4922	5118	5423	5531	5645	5871
17	B	4361	4562	4755	4948	5149	5455	5566	5789
18	B	4598	4814	5033	5237	5448	5772	5886	6123
18	Q	5032	5260	5474	5692	6034	6154	6276	6527
18.5	B	4624	4859	5089	5323	5550	5780	6132	6378
19	B	4859	5089	5323	5550	5780	6132	6252	6501
19	Q	5197	5426	5643	5861	6199	6318	6442	6700
20	B	5133	5370	5625	5872	6115	6485	6614	6878
20	Q	5362	5615	5881	6134	6390	6780	6912	7188
22	B	5738	6018	6303	6595	6868	7296	7441	7740
22	Q	5997	6292	6586	6890	7180	7625	7781	8091
25	B	6484	6825	7150	7482	7818	8310	8477	8816

Note: Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 10 years of service and have 3 or more years of creditable service at Step 8 in the same pay grade. Effective July 1, 2010, the Step 8 rate shall be increased \$75 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional \$75 per month shall be granted.

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An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011, and effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Q RC-033 (Meat Inspectors, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Meat and Poultry Inspector	26070	RC-033	B
Meat and Poultry Inspector Trainee	26075	RC-033	B

Effective July 1, 2010

<u>Title</u>	<u>STEPS</u>							
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Meat and Poultry Inspector	3592	3749	3899	4047	4204	4440	4530	4575
Meat and Poultry Inspector Trainee	3048	3158	3279	3397	3516	3711	3783	3820

Effective January 1, 2011

<u>Title</u>	<u>STEPS</u>							
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Meat and Poultry Inspector	3664	3824	3977	4128	4288	4529	4621	4667
Meat and Poultry Inspector Trainee	3109	3221	3345	3465	3586	3785	3859	3896

Note: An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011 and, effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 8419, effective May 23, 2011)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: 2920.18 Adopted Action:
Amendment
- 4) Statutory Authority: 820 ILCS 405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701
- 5) Effective Date of Amendment: May 20, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rulemaking contain an incorporation 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: February 14, 2011; 35 Ill. Reg. 2543
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made.
- 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 replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Amendment: A recent amendment to the Unemployment Insurance Act (P. A. 94-237) requires the Department to offer claimants the option to have monies withheld from their unemployment insurance benefits to cover potential Illinois income tax liability. This rulemaking explains how such withholding will be implemented.
- 16) Information and Questions regarding this rulemaking may be directed to:

DEPARTMENT OF EMPLOYMENT SECURITY

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Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-2333
gregory.ramel@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER g: INELIGIBILITY FOR BENEFITSPART 2920
DISQUALIFYING INCOME AND REDUCED BENEFITS

Section	
2920.1	Definitions
2920.5	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.18	Voluntary Withholding for For Federal and/or And/Or State of Of Illinois Income Tax
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.48	Residual Payments
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.65	Retirement Pay
2920.66	Payments To An Election Judge
2920.68	Payments By A Labor Union
2920.69	Jury Service
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms Of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

DEPARTMENT OF EMPLOYMENT SECURITY

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AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701].

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. 567, effective January 1, 1997; emergency amendment at 25 Ill. Reg. 10226, effective August 7, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 15415, effective November 15, 2001; amended at 29 Ill. Reg. 1935, effective January 24, 2005; amended at 30 Ill. Reg. 2357, effective January 31, 2006; emergency amendment at 35 Ill. Reg. 2801, effective January 30, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8467, effective May 20, 2011.

SUBPART A: GENERAL PROVISIONS

Section 2920.18 Voluntary Withholding ~~for~~ Federal ~~and/or~~ ~~And/Or~~ State ~~of~~ ~~Of~~ Illinois Income Tax

- a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his or her unemployment insurance benefits to cover possible federal and/or State of Illinois income tax liability, the amount of benefits subject to such income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:
- 1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10;
 - 2) wages for less than full time work payable to him or her with respect to ~~thatsuch~~ week ~~that~~which are in excess of 50% of his weekly benefit amount;

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- 3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.
- b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal and/or State of Illinois income tax from his or her unemployment benefits for a period covered by a benefit ~~payment check~~, the Department shall, when withholding for federal income tax, withhold 10% of the amount of benefits that are subject to withholding under subsection (a), ~~when withholding for federal income tax~~, rounded (if not already a multiple of one dollar) to the nearest dollar and, when withholding for State of Illinois income tax, withhold a percentage ~~3%~~ of the amount of benefits that are subject to withholding under subsection (a) equal to the tax rate for individuals pursuant to the Illinois Income Tax Act ~~when withholding for State of Illinois income tax~~, rounded (if not already a multiple of one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for a week ~~the period~~, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for child support pursuant to Section 2815.105, are less than the amount that would otherwise be withheld pursuant to this subsection ~~(10% of the amount of benefits subject to withholding under subsection (a) if only federal income tax withholding is elected, 3% if only State of Illinois income tax withholding is elected or 10% plus 3% if both federal and State of Illinois income tax withholding is elected)~~, the entire amount of the benefits remaining shall be withheld. If the individual elects to have both federal and State of Illinois income taxes withheld and the amount remaining is insufficient to cover both taxes, the entire amount of State of Illinois tax shall be withheld before any federal tax is withheld.
- 1) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for each of the ~~two~~ weeks ending February 5, 2011, and February 12, 2011, covered by the benefit payment is \$251. The individual receives a dependents' allowance of \$81 for each week. ~~The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of \$332 and \$332, which equals \$664.~~ The Department will deduct for federal income tax withholding 10% of ~~\$332 for each week~~ 664 which equals ~~\$33.20~~ 66.40, which, rounded to the nearest dollar, is ~~\$33~~ 66. Additionally, the Department will deduct for State of Illinois income tax withholding 53% ~~(the tax rate for individuals pursuant to the Illinois Income Tax Act~~

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~~for the 2 weeks in question) of \$332664, which equals \$16.60 for each week19.92, which, rounded to the nearest dollar, is \$1720. Accordingly, the individual will receive \$564578 in benefits for the 2 week period after having \$66 deducted for federal income tax withholding and \$3420 deducted for State of Illinois income tax withholding.~~

- 2) Example: The individual elects both federal and State of Illinois income tax withholding. The individual's WBA for ~~each of the weeks ending February 5, 2011 and February 12, 2011~~ ~~each of the two weeks covered by the Department's payment of benefits~~ is \$129. The individual receives a dependents' allowance of \$42 for each week.

For the first week of the payment period, the individual has \$90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay.

The amount of benefits subject to federal and State of Illinois income tax withholding for the first week is \$129 less \$90 in vacation pay, which equals \$39 plus his ~~or her~~ dependents' allowance of \$42, which totals \$81. Because the individual did not receive any disqualifying vacation pay for the second week of the period, the amount of benefits subject to federal and State of Illinois income tax withholding attributable to the second week is \$129 plus his ~~or her~~ dependents' allowance of \$42, which totals \$171.

~~The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is the sum of \$81 and \$171, which equals \$252.~~ The Department will deduct for federal income tax withholding 10% of ~~\$81 for the first week252~~, which equals ~~\$8.1025.20~~, which, rounded to the nearest dollar, is ~~\$825~~. The Department will deduct for State of Illinois income tax withholding ~~53%~~ ~~(the tax rate for individuals pursuant to the Illinois Income Tax Act for the 2 weeks in question)~~ of ~~\$81252~~, which equals ~~\$4.057.56~~, which, rounded to the nearest dollar, is ~~\$48~~.

The individual will receive ~~\$69219~~ for the ~~first weekperiod~~ after having ~~\$825~~ deducted for federal income tax withholding and ~~\$48~~ deducted for State of Illinois income tax withholding.

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The Department will deduct for federal income tax withholding 10% of \$171 for the second week, which equals \$17.10, which, rounded to the nearest dollar, is \$17. The Department will deduct for State of Illinois income tax withholding 5% of \$171, which equals \$8.55, which, rounded to the nearest dollar, is \$9. The individual will receive \$145 for the second week after having \$17 deducted for federal income tax withholding and \$9 deducted for State of Illinois income tax withholding. The individual's payment for the two week period will be \$214.

- 3) Example: The individual's WBA for each of the weeks ending February 5, 2011 and February 12, 2011 ~~each of the two weeks covered by the Department's payment of benefits~~ is \$129. The amount of benefits subject to federal and State of Illinois income tax withholding for each week of the two week period is \$129. ~~The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period is \$258, the sum of \$129 and \$129.~~

10% of ~~\$129~~~~258~~ equals ~~\$12.90~~~~25.80~~, which, rounded to the nearest dollar, is ~~\$13~~~~26~~. ~~53%~~ of ~~\$129~~~~258~~ equals ~~\$6.45~~~~7.74~~, which, rounded to the nearest dollar, is ~~\$6~~~~8~~.

In this example, assume that the individual has elected both federal and State of Illinois income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his or her WBA, which amount is \$32.25 for both weeks, and that the individual is subject to a withholding order of \$100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of \$32.25 due for that first week. \$129 minus \$32.25 equals \$96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct \$96.75, the amount of benefits available for that week. The individual's payment for the two week period will not include any benefits with respect to that first week.

For the second week of the payment period, the individual is not subject to a withholding order for child support. Accordingly, the individual is eligible to receive \$96.75 for the second week, the difference between the benefits payable to him or her for that week (\$129) and the amount

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recouped (\$32.25). Because the individual has elected both federal and State of Illinois income tax withholding for the period covered by the payment, the Department will deduct \$~~1326~~ for federal income tax withholding and \$~~68~~ for State of Illinois income tax withholding from the individual's benefits and pay the individual the remaining \$~~77.7562.75~~.

- 4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is \$90 for each week. The amount of benefits subject to federal and State of Illinois income tax withholding for the two week period remains the same \$258. ~~10% of \$258 equals \$25.80, which, rounded to the nearest dollar, is \$26. 3% of \$258 equals \$7.74, which, rounded to the nearest dollar, is \$8.~~

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal and State of Illinois income tax, the individual would have received ~~a check for~~ \$13.50, the sum of \$6.75 and \$6.75 for ~~each that two week period~~. Because the individual has elected federal and State of Illinois income tax withholding for this period and because the benefits for the period after recoupment and child support are less than 10% plus ~~53~~% of the amount subject to withholding, the Department will deduct the entire \$13.50 for income tax withholding (\$~~128~~ for State of Illinois income tax withholding (~~\$6 in each week~~) and the remaining \$~~1.505.50~~ for federal income tax withholding (~~\$.75 in each week~~) and not pay the individual any benefits for this period.

- c) An individual's election and his or her revocation of his or her election to have monies withheld from his or her benefits for possible federal and/or State of Illinois income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/Art. III].

EXAMPLE: Upon filing an additional claim during his or her benefit year, an individual elects to have federal and State of Illinois income tax withheld from his or her unemployment benefits paid in 2006. His or her first benefit check covers the two-week period beginning January 8, 2006

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and ending January 21, 2006. His or her WBA is \$250, and the amount subject to withholding for the period is \$65 (10% and 3% of \$500). For each week, he or she is subject to recoupment of 25% of his or her WBA and a withholding order of \$100 for child support. Consequently, his or her benefit check for the two-week period is for \$110. When he or she receives his or her benefit check, he or she asks to revoke the elections, explaining he or she thought the income tax withholding would be based on a percentage of his or her WBA after recoupment and child support. While the Department, if he or she desires, will revoke his or her elections to withhold with respect to a period that has not yet ended, it will not retroactively revoke his or her elections with respect to January 8 through January 21. Elections and revocations can only operate prospectively.

(Source: Amended at 35 Ill. Reg. 8467, effective May 20, 2011)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Office of Inspector General Adults With Disabilities Abuse Project
- 2) Code Citation: 59 Ill. Adm. Code 51
- 3) Section Number: 51.70 Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435]
- 5) Effective date of Amendments: May 23, 2011
- 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) Notices of proposal published in the Illinois Register: December 3, 2010; 34 Ill. Reg. 18949
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There were no substantive changes to the rulemaking between the proposed and final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The amendment to Section 51.70(c)(2) will correct an error that was made when Part 51 was originally adopted. As a result of this rulemaking, the word "may" will replace "will" in the rule. In addition, the amendment in Section 51.70(c)(3) is necessary to comply with P.A. 96-1052. This amendment will

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eliminate any guardian ad litem fees and any legal costs associated with guardianship cases when OIG is the petitioner in a Domestic Abuse Program case.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 51
OFFICE OF INSPECTOR GENERAL
ADULTS WITH DISABILITIES ABUSE PROJECT

Section

51.10	Purpose of Project
51.20	Definitions
51.30	Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities
51.40	Receipt of Reports
51.50	Assessment of Reports
51.59	Subpoena Authority
51.60	Service Plan
51.65	Service Priority
51.70	Consent
51.80	Access of an Adult with Disabilities
51.90	Confidentiality

AUTHORITY: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 10362, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 17136, effective November 6, 2000; amended at 30 Ill. Reg. 11543, effective June 20, 2006; amended at 32 Ill. Reg. 14735, effective August 26, 2008; amended at 35 Ill. Reg. 8476, effective May 23, 2011.

Section 51.70 Consent

- a) If the Project receives *a report of alleged or suspected abuse, neglect, or exploitation of an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975 [755 ILCS 5/11a-10][755 ILCS 5/11a-1] or other relief as provided under the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101]. For purpose of this Section only "lacks the capacity to consent" shall mean that the adult with disabilities*

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reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to assessments or services.

- b) *If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment or the service plan, the assessment shall be terminated or the service shall not be provided.*
- c) *A guardian of the adult with disabilities who is abused, neglected or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to a service plan.*
- 1) *If the guardian is the alleged perpetrator of the abuse, neglect or exploitation, the Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/213.3] under the provisions of Article XIa of the Probate Act of 1975. The threshold for seeking temporary substitute guardianship is a risk of death or great bodily harm and includes, but is not limited to, allegations of sexual abuse with credible evidence, physical injuries that require medical treatment, and serious neglect (e.g., lack of food, lack of essential hygiene, unsafe environment, failure to provide necessary medications or medical treatment such as dialysis).*
- 2) *If a guardian withdraws his or her consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Project ~~may~~will seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to the Probate Act. [20 ILCS 2435/45]*
- 3) *When the Office of Inspector General is the petitioner in a guardianship case, consistent with Section 45 of the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435], no guardian ad litem or legal fees shall be assessed against the Office of the Inspector General. [755 ILCS 5/11a-10]*

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 35 Ill. Reg. 8476, effective May 23, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Approval of Racing Officials
- 2) Code Citation: 11 Ill. Adm. Code 422
- 3) Section Number: 422.10 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2560; February 14, 2011.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: The adopted rulemaking shortens the 60-day notice requirement to 20 days for racetracks to submit their list of racing officials. The Board determined that the previous 60-day requirement was unrealistic because racetracks, in some cases, were still in the process of securing a full complement of racing officials at the 60-day time interval.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 422
APPROVAL OF RACING OFFICIALS

Section

422.10	Racing Officials
422.20	Approval of New Officials
422.30	Standards for Approval and Disapproval of Officials
422.40	Recommendation of Board
422.50	Suspension and Removal of Officials
422.60	Conflict of Interest Provisions
422.70	Emergency Approval
422.80	Physical Examination
422.90	Officials Approved by the Stewards
422.100	Occupation License
422.110	Penalties

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

SOURCE: Adopted at 5 Ill. Reg. 10341, effective September 25, 1981; codified at 5 Ill. Reg. 10905; amended at 10 Ill. Reg. 10141, effective May 27, 1986; amended at 13 Ill. Reg. 1558, effective January 23, 1989; amended at 16 Ill. Reg. 13069, effective August 10, 1992; amended at 35 Ill. Reg. 8481, effective May 23, 2011.

Section 422.10 Racing Officials

- a) Each organization licensee shall submit to the Board for its approval or disapproval the names of all persons whom the licensee has selected as racing officials or employees whose duties relate to the actual running of the races. The list shall include, ~~when~~where applicable, the following thoroughbred and harness racing officials:

Association Steward
Presiding Judge

Marshal or Outrider
Timer

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Associate Judge	Clerk of the Scales
Racing Secretary	Clerk of Course
Assistant Racing Secretary	Track Veterinarian
Patrol Judges	Track Superintendent
Placing Judges	Mutuel Manager
Paddock Judges	Program Director
Breathalyzer Operator	Director of Security
Starter	General Manager

- b) The list of names shall be submitted to the Board in writing at least ~~2060~~ 2060 days prior to the opening of any race meeting and the list shall indicate whether the nominee has previously been employed at any Illinois race track.

(Source: Amended at 35 Ill. Reg. 8481, effective May 23, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.70	Amend
603.90	Amend
603.210	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2564; February 14, 2011.
- 10) Has JCAR issued a Statement of Objection to these rulemakings? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemakings: This rulemaking expands the Board's Medication rule governing anabolic steroids in racehorses, Section 603.210, to include plasma threshold levels for four anabolic steroids. Currently, only threshold levels in urine for four anabolic steroids are permitted. The proposed rulemaking also corrects typographical errors to Section 603.70(b)(1)(2). The proposed amendment to Section

ILLINOIS RACING BOARD

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603.90 adds written approval from the "Executive Director or his designee" and expands the list of prohibited substances to include Bee Venom.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	<u>Androgenic-Anabolic Steroids (AAS)</u>

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011.

Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome, this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
- b) Eligibility for Furosemide Treatment
A horse is eligible to race with furosemide if at least one of the following occurs:
 - 1) The horse is on the Illinois Furosemide List and has complied with subsection (cd);

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- 2) The horse is on the Illinois Bleeder List and has complied with subsection (de);
 - 3) The trainer provides the State Veterinarian or his or her designee with evidence that the horse is on the Furosemide List or Bleeder List in another racing jurisdiction. Acceptable evidence shall be a furosemide or bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the furosemide or bleeder certificate;
 - 4) The trainer provides the State Veterinarian or his or her designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for standardbreds shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.
- c) Furosemide List
- Furosemide shall be administered to a horse that is entered to race only after the State Veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List, the following process shall be followed:
- 1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the State Veterinarian or his or her designee, using the prescribed form provided by the Board, that they wish the horse to be placed on the Furosemide List.

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- 2) The form must be received by the State Veterinarian or his or her designee no later than the time of entry to ensure public notification prior to race participation.
 - 3) A horse placed on the Furosemide List must remain on that list until the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the State Veterinarian or his or her designee, on the proper form, no later than the time of entry.
 - 4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined, in consultation with the State Veterinarian, to be detrimental to the welfare of the horse. If a horse is removed from the Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
- d) Bleeder List
- 1) The State Veterinarian shall maintain a Bleeder List of all horses that have demonstrated:
 - A) External evidences of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by an official veterinarian.
 - B) Internal evidences of exercise induced pulmonary hemorrhage via endoscopy reported by a licensed practicing veterinarian on a Board approved form.
 - 2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:
 - A) First incident – 14 days;
 - B) Second incident within a 365 day period – 30 days;
 - C) Third incident within a 365 day period – 180 days;

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- D) Fourth incident within a 365 day period – Barred from racing for its lifetime.
- 3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled is the first day of the recovery period.
- 4) After the expiration of the barred periods in subsections (d)(2)(A), (B) and (C), a horse must perform a workout, without bleeding, to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- 5) All horses on the Bleeder List that are eligible to race shall be administered furosemide pursuant to subsection (f).
- e) Furosemide Administration
- 1) All horses on the Furosemide List must be treated with furosemide in order to be permitted to participate in a race.
- 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes prior to the scheduled post time of the race in which a horse is entered.
- 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 500 mg of furosemide by single intravenous injection and shall verify the administration on Board prescribed affidavits no later than one hour prior to the post time for the race for which the horse is entered.
- 4) The trainer or his or her licensed employee shall witness the furosemide administration.
- 5) The administration of furosemide may take place in the horse's own stall or in a centralized location.
- 6) Failure to administer furosemide in accordance with subsection (e)(2) may result in the horse being scratched from the race by the Stewards and the trainer may be fined not less than \$200 and not more than \$500.

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- f) Removal from Bleeder List
- 1) Once a horse is placed on the Bleeder List, it must continue to race with furosemide unless the removal from the list is approved by the State Veterinarian. The State Veterinarian may remove a horse from the Bleeder List upon written request of the trainer, if the horse's performance is negatively affected by the use of furosemide or if the horse has an adverse physiological reaction to furosemide.
 - 2) Once removed from the Bleeder List, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A standardbred horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the State Veterinarian approves the removal of the horse from the Bleeder List. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- g) Absence of Furosemide
In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- h) Excessive Use of Furosemide
- 1) The test level for furosemide shall not be in excess of 100 nanograms (ng) per milliliter (ml) of serum or plasma.
 - 2) The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250.
 - 3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall

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be fined \$500.

- 4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
- 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.
 - i) Trainer's Responsibilities for Horses on the Furosemide List
 - 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
 - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
 - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (i).

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- j) Veterinarian's Responsibilities
- 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
 - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (j).
- k) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
 - 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board

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laboratory.

- 1) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 35 Ill. Reg. 8485, effective May 23, 2011)

Section 603.90 Drugs, Chemicals and Prescription Items

- a) No veterinarian or any other person shall have in his or her possession or administer to any horse within any race track enclosure any chemical substance that:
 - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.) and implementing regulations, without prior written approval from the State Veterinarian and Executive Director or his or her designee~~veterinarian~~;
 - 2) is on any of the schedules of controlled substances prepared by the Attorney General of the United States pursuant to 21 USC 811 and 812, without prior written approval from the State Veterinarian and Executive Director or his or her designee; or
 - 3) the possession and/or use, on the premises of a facility under the jurisdiction of the Board, of any drug, substance or medication specified in this subsection (a)(3) for which a recognized analytical method has not been developed to detect and confirm its administration, or the use of which may endanger the health and welfare of the horse or the safety of the rider or driver.
 - A) Erythropoietin (EPO)
 - B) Darbepoietin
 - C) Snake venom
 - D) Snail venom

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E) Bee Venom

- b) The State Veterinarian and Executive Director or his or her designee, shall not give approval under subsection (a) unless the person seeking approval can produce evidence in recognized veterinary journals or by recognized equine experts that the chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his or her possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
- 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued for the prescription drug;
 - 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
 - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

(Source: Amended at 35 Ill. Reg. 8485, effective May 23, 2011)

Section 603.210 Androgenic-Anabolic Steroids (AAS)

- a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
- b) Concentrations of these AAS shall not exceed the following threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates) drug:
- 1) In urine:
 - A) 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex.

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B) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.

C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) –

_____ i) In geldings – 1 ng/ml in urine.

_____ ii) In fillies and mares – 1 ng/ml in urine.

_____ iii) In male horses other than geldings – 45 ng/ml of metabolite, 5 α -oestrane-3 β ,17 α -diol in urine.

_____ D) Testosterone –

_____ i) In geldings – 20 ng/ml in urine.

_____ ii) In fillies and mares – 55 ng/ml in urine.

_____ iii) Male horses other than geldings will not be tested;

or

2) In plasma:

_____ A) Stanozolol – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.

_____ B) Boldenone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.

_____ C) Nandrolone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for geldings and fillies and mares. Male horses other than geldings will not be tested.

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- D) Testosterone –
- i) In geldings – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.
 - ii) In fillies and mares – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.
 - iii) In male horses other than geldings – confirmatory threshold no greater than 2,000 pg/ml in serum or plasma.
- c) All other AAS are prohibited in racing horses.
- d) Post-race urine and blood samples collected from intact males must be identified to the laboratory.
- e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.
- a) The use of any one of the following four anabolic steroids is permitted if the following urine or plasma threshold concentrations are not exceeded:
- 1) Stanozolol (Winstrol) – 1 ng/ml in urine;
 - 2) Boldenone (Equipose) – in male horses other than geldings; including free boldenone and boldenone liberated from its conjugates – 15 ng/ml in urine;
 - 3) Nandrolone – 1 ng/ml in urine; and
 - 4) Testosterone – 20 ng/ml in urine in geldings and 55 ng/ml in urine in fillies and mares.
- b) No other anabolic steroids shall be administered.

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- e) ~~The presence of more than one of the four approved anabolic steroids at any concentration is not permitted.~~
- d) ~~Post race urine samples collected from intact males shall be identified to the laboratory.~~
- e) ~~Any horse to which an anabolic steroid has been administered in order to assist in the recovery from an illness or injury may be placed on the State Veterinarian's list in order to monitor the concentration of the drug in urine. Once the concentration is below the designated threshold, the horse is eligible to be removed from the State Veterinarian's list.~~

(Source: Amended at 35 Ill. Reg. 8485, effective May 23, 2011)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Number: 1318.190 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2566; February 14, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A nonsubstantive change was made.
- 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: This adopted rulemaking corrects a discrepancy between Section 1318.190 and Section 1318.180. In Section 1318.180, the stewards "may" disqualify a horse that violates the rule, but in Section 1318.190(b)(3) prior to this rulemaking, the text stated that stewards "shall" disqualify a horse that violates the rule. This amendment changes the text to specify the horse "may" be disqualified.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Use of the Whip
1318.100	Goading Devices (Repealed)
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

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 Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043,

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effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006; amended at 34 Ill. Reg. 2324, effective January 27, 2010; amended at 35 Ill. Reg. 8500, effective May 23, 2011.

Section 1318.190 Open Stretch Racing

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of existing rail.
- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply:
 - 1) No horse shall pass on the extended inside lane entering the stretch the first time on a ½ mile track.
 - 2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.
 - 3) Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear ~~may~~ be disqualified by the Steward.
 - 4) No horse may be driven into the open stretch for the purpose of blocking or impeding a trailing horse. It shall be presumed that a horse that blocks or impedes a trailing horse in the open stretch without advancing on a leading horse is being driven for the purpose of blocking or impeding a trailing horse. Violation of this provision may result in a disqualification, and the driver may be fined.

(Source: Amended at 35 Ill. Reg. 8500, effective May 23, 2011)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Security and Admissions
- 2) Code Citation: 11 Ill. Adm. Code 1325
- 3) Section Number: 1325.80 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2570; February 14, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: Section 27(f) of the Horse Racing Act states that any municipality or county that has a Board licensed inter-track wagering location facility wholly within its corporate boundaries, may each impose an admission fee not to exceed \$1.00 per admission to the inter-track wagering location facility, so that a total of not more than \$2.00 per admission may be imposed. This proposed rulemaking requires OTB's that charge an admission fee to submit those fees to the Board within 48 hours and the Board shall remit those monies to the municipalities on a monthly basis.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1325
SECURITY AND ADMISSIONS

Section

1325.10	Stable Enclosures Fenced
1325.20	Report of Arrival and Departure of Horses
1325.30	Stable Area Security
1325.40	Policing of Premises
1325.50	Admission to Parts of Premises
1325.60	Identification Cards and Badges
1325.70	Admission Statements
1325.80	State -Admissions Tax
1325.90	Admissions Records
1325.100	Board Approval of Tickets and Credentials
1325.110	Credential and Ticket Specimens
1325.120	Tax Exempt Credentials
1325.130	Tax Exempt Credentials Report (Repealed)
1325.140	Track Responsible for Credentials
1325.150	Board Access to Records
1325.160	Turnstiles and Electronic Scanning Devices
1325.170	Admission to Track
1325.180	Revocation of Credentials
1325.190	Inspections and Searches (Repealed)
1325.200	Investigative Authority

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 Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991;

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amended at 31 Ill. Reg. 15099, effective November 1, 2007; amended at 32 Ill. Reg. 16498, effective October 1, 2008; amended at 35 Ill. Reg. 8504, effective May 23, 2011.

Section 1325.80 State Admissions Tax

- a) The race track operator shall pay to the Board at such time or times as the Board shall prescribe, the sum of 1540 cents for each person entering the grounds or enclosure of the race track operator upon a ticket of admission. If tickets are issued for more than one day, then the sum of 1540 cents shall be paid for each person using ~~thesueh~~ ticket each day that ~~the ticket is the same shall be~~ used. ~~No~~ Provided that no charge shall be made on tickets issued to and in the name of directors, officers, partners, agents or employees of the race track operator, or to owners, trainers and drivers and their employees, or to any person or persons entering the grounds for the transaction of business in connection with ~~thesueh~~ race meeting. ~~No~~ Provided further that no charge shall be made on tax exempt tickets of admission issued by the Board.
- b) Pursuant to ~~subsection (a) the above paragraph~~, the State Director of Mutuels shall direct and supervise the conduct of the admissions department during each race meeting. ~~The State Director~~ He shall be empowered to direct the race track operator to adopt, subject to the approval of the Board, procedures, methods and systems as may be deemed necessary to ensure strict compliance with the rules and regulations of the Board.
- c) Intertrack wagering location licensees shall pay to the Board, within 48 hours, any admission taxes due to local municipalities and counties.
- d) The Board shall remit monthly any admission taxes due to local municipalities and counties.

~~(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, chap. 8 par. 37-25) now provides for a 15 cents admissions tax instead of 40 cents)~~

(Source: Amended at 35 Ill. Reg. 8504, effective May 23, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Admissions and Credentials
- 2) Code Citation: 11 Ill. Adm. Code 1428
- 3) Section Number: 1428.10 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: May 23, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 2574; February 14, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: Section 27(f) of the Horse Racing Act states that any municipality or county that has a Board licensed inter-track wagering location facility wholly within its corporate boundaries, may each impose an admission fee not to exceed \$1.00 per admission to the inter-track wagering location facility, so that a total of not more than \$2.00 per admission may be imposed. This proposed rulemaking requires OTB's that charge an admission fee to submit those fees to the Board within 48 hours and the Board shall remit those monies to the municipalities on a monthly basis.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1428
ADMISSIONS AND CREDENTIALS

Section

1428.10	State -Admissions Tax
1428.20	Admission Records
1428.30	Weekly Remittance of Tax
1428.40	Admission Statements
1428.50	Delivery of Reports
1428.60	Board Approval of Tickets and Credentials
1428.70	Control Numbers
1428.80	Revocation of Tickets, Credentials
1428.90	Notice of State Tax
1428.100	Credential and Ticket Specimens
1428.110	Gate Cards
1428.120	Tax Exempt Credentials
1428.130	Report on Tax Exempt Credentials (Repealed)
1428.140	Concessionaires, Employees Credentials
1428.150	Requisitions for Passes
1428.160	Tax Exempt Credentials Report (Repealed)
1428.170	Summary of Tickets and Credentials
1428.180	Track Responsible for Credentials
1428.190	Board Access to Records
1428.200	Turnstiles and Electronic Scanning Devices
1428.210	Admission to Track
1428.220	Revocation of Credentials
1428.230	Admissions for Licensees
1428.240	Intertrack Wagering Location Licensee Admission Fees

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. 17633, effective October 16, 1990; amended at 14 Ill. Reg. 20042, effective December 4, 1990; emergency amendment at 17 Ill. Reg. 3683, effective March 4, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14049, effective August 16, 1993; amended at 19 Ill. Reg. 17187, effective January 1, 1996; amended at 31 Ill. Reg. 15103, effective November 1, 2007; amended at 35 Ill. Reg. 8508, effective May 23, 2011.

Section 1428.10 ~~State~~ Admissions Tax

- a) The race track operator shall pay to the Board at such time or times as the Board shall prescribe, the sum of ~~1540~~ cents for each person entering the grounds or enclosure of the race track operator upon a ticket of admission. If tickets are issued for more than one day, then the sum of ~~1540~~ cents shall be paid for each person using ~~thesueh~~ ticket each day that the ~~ticket issame shall be~~ used. ~~No~~ Provided that no charge shall be made on tickets issued to and in the name of directors, officers, partners, agents or employees of the race track operator, or to owners, trainers and drivers and their employees, or to any person or persons entering the grounds for the transaction of business in connection with ~~thesueh~~ race meeting. ~~No~~ Provided further that no charge shall be made on tax exempt tickets of admission issued by the Board.
- b) Pursuant to ~~subsection (a) the above paragraph~~, the State Director of Mutuels shall direct and supervise the conduct of the admissions department during each race meeting. ~~The State Director~~ He shall be empowered to direct the race track operator to adopt, subject to the approval of the Board, procedures, methods and systems as may be deemed necessary to ensure strict compliance with the rules and regulations of the Board.
- c) Intertrack wagering location licensees shall pay to the Board, within 48 hours, any admission taxes due to local municipalities and counties.
- d) The Board shall remit monthly any admission taxes due to local municipalities and counties.

~~(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch. 8 par. 37-25) now provides for an admission tax of 15 cents instead of 40 cents)~~

(Source: Amended at 35 Ill. Reg. 8508, effective May 23, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.32 Adopted Action: Amendment
- 4) Statutory Authority: 15 ILCS 335/14B, 625 ILCS 5/2-104(b) and 625 ILCS 5/6-301.2
- 5) Effective Date of Amendment: May 31, 2011
- 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 Proposed Published in the Illinois Register: January 28, 2011; 35 Ill. Reg. 1555
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking modifies the sanction that is imposed upon a person that is in possession of or uses a fraudulent identification card or driver's license. A fraudulent identification card or driver's license is one that the Secretary of State did not issue. Currently, the rule makes no distinction between the purchaser/user of a fraudulent card and the manufacturer/seller of the card. The amendment will modify the sanction imposed on a purchaser/user to a suspension instead of a revocation. The sanction for the manufacturer/seller will remain revocation.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Brenda Glahn
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756

217/785-3094
bglahn@ilsos.net

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions (Repealed)

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NOTICE OF ADOPTED AMENDMENT

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

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effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009;

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amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011.

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

- a) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206.
- 1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(5):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(9):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense with open or pending revocation	Revocation
2 nd or subsequent Offense	Revocation; or

- 3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person,

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the Department shall take the following action pursuant to IVC Section 6-206(a)(10):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 5) If any person has violated IVC Section 6-301, 6-301.1 or 6-301.2 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206.

- A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to

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NOTICE OF ADOPTED AMENDMENT

another, the Department shall take the following action pursuant to IVC Section 6-301 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- C) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(1) through (6), (11) or (12) or Section 14B(b)(1) through (6) of the Illinois Identification Card Act. ~~If any person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license,~~

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~~identification card or permit~~, the Department shall take the following action ~~pursuant to IVC Section 6-206(a)(14)~~~~pursuant to IVC Section 6-301.2 or Section 14 of the Illinois Identification Card Act:~~

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1st or subsequent Offense	12-month Suspension Revocation; or Revocation
<u>1st Offense (with open or pending revocation)</u>	<u>Revocation</u>
<u>2nd or subsequent Offense</u>	<u>Revocation; or</u>

D) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(7) through (10) or Section 14B(b)(7) through (10) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
<u>1st or subsequent Offense</u>	<u>Revocation; or</u>

6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(25):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

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- 7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(26):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 8) If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to IVC Section 6-206(a)(27):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 st Conviction	12-month Suspension
1 st Conviction (with open or pending revocation)	Revocation
2 nd or subsequent Conviction	Revocation.

- b) The sources of acceptable proof of the offenses described in subsection (a) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

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NOTICE OF ADOPTED AMENDMENT

- c) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (a) if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (b) that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (a).
- d) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Secretary's Office of the Inspector General provides the Director of the Department of Driver Services with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 35 Ill. Reg. 8512, effective May 31, 2011)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Control of Outdoor Advertising Adjacent to Primary and Interstate Highways
- 2) Code Citation: 92 Ill. Adm. Code 522
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
522.20	Amend
522.30	Amend
522.40	Amend
522.50	Amend
522.60	Amend
522.70	Amend
522.80	Amend
522.90	Amend
522.100	Amend
522.110	Amend
522.120	Amend
522.130	Amend
522.150	Amend
522.220	Amend
522.ILLUSTRATION M	Amend
- 4) Statutory Authority: Implementing Section 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 9-112.2 and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17]
- 5) Effective Date of Amendments: May 17, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Highways and is available for public inspection.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: February 25, 2011; 35 Ill. Reg. 3345
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The Department made grammatical changes to the text.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Among the significant changes being made to this Part:

Throughout the rule, the Department replaced references to "the District" with "the Department" because the Department has centralized the control of the outdoor advertising program in Illinois in the central offices of the Department, located in Springfield, and specifically managed through the Department's Central Bureau of Land Acquisition.

In Section 522.20, the Department added a definition of "Affiliate", and revised the definitions of "Damaged Signs", "Erect" and "Maintain" consistent with PA 96-919, effective June 9, 2010. Additionally, the definition of "Non-conforming sign and/or sign structure" was clarified by adding the word "maintained" and deleting the word "repaired".

In Section 522.30, the Department added "improved (any change that adds value to the sign)" and deleted "altered (outside of normal maintenance activity)" to better clarify the provision. Additionally, subsection (e) was deleted because the reference to "any non-conforming sign listed in subsection (a) – (d)" is incorrect. Section 522.30 pertains to permitted and registered non-conforming signs.

In Section 522.50(c), the Department added language which prescribes that an affiliation with an owner of an illegal sign is grounds for denial of a permit application.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department revised Section 522.60(k) to clarify that damaged registered non-conforming signs are not allowed to be re-erected.

Section 522.80(a) was revised to prescribe that an affiliation with an owner of an illegal sign is grounds for denial of a permit application.

In Section 522.150(n), the Department clarified that damaged registered non-conforming signs are not allowed to be re-erected or maintained.

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

Ms. Cheryl Cathey, Acting Chief, Bureau of Land Acquisition
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 210
Springfield, Illinois 62764

217/782-6243

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 522
CONTROL OF OUTDOOR ADVERTISING ADJACENT TO
PRIMARY AND INTERSTATE HIGHWAYS

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AUTHORITY: Implementing Sections 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 112.2] and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act

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of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17].

SOURCE: Amended August 23, 1976; codified at 7 Ill. Reg. 12887; Part repealed, new Part adopted at 12 Ill. Reg. 16163, effective September 27, 1988; amended at 17 Ill. Reg. 7258, effective May 7, 1993; amended at 22 Ill. Reg. 7262, effective April 9, 1998; amended at 30 Ill. Reg. 15792, effective October 1, 2006; amended at 32 Ill. Reg. 17810, effective October 30, 2008; amended at 35 Ill. Reg. 8523, effective May 17, 2011.

SUBPART A: GENERAL PROVISIONS

Section 522.20 Definitions

"Act" means the Highway Advertising Control Act of 1971 [225 ILCS 440].

"Affiliate" means a company that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, another company.

"Air mile" means a distance of one mile as measured horizontally along a straight line between the sign and activity advertised.

"Business Area" means any part of an area adjacent to and within 660 feet of the right-of-way which is at any time zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for business, industrial or commercial use, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as business, industrial or commercial. (Section 3.12 of the Act [225 ILCS 440/3.12]) Areas which were zoned as of September 21, 1959 and were not specifically zoned for business, commercial or industrial use as of September 21, 1959 and were outside corporate limits on that date will not be considered business areas along Interstate highways. However, an area zoned for business, commercial or industrial activities that is adjacent to and within 660 feet of an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian shall be deemed a business area along Interstate highways.

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[225 ILCS 440/3.12] (See PA 95-0340, effective January 1, 2008.) Areas which were unzoned on September 21, 1959 may qualify as business areas along Interstate highways if the applicant can show, based on contemporaneous historical records of State actions (e.g., State sales tax records, required State license fees, etc.) that the land on September 21, 1959 was and has continuously been used as business, commercial or industrial. Land unzoned on September 21, 1959, used for agricultural and/or farming activities, including but not limited to forestry, ranging, mining and mineral extraction activities, grazing, wayside produce stands and grain storage bins, will not be considered as business, commercial or industrial land uses for purposes of this Part. Additionally, unzoned land used for railroad tracks and minor sidings; transient or temporary activities not involving permanent buildings or structures; outdoor advertising structures; activities not visible from the main-traveled way; activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence); and activities located in buildings that are not integral to the business operation or that are used to store trade equipment and where business transactions do not take place will not be considered as business, commercial or industrial land uses.

"Code" means the Illinois Highway Code [605 ILCS 5].

"*Commercial or industrial activities,*" as used in the definition of "business area" and "unzoned commercial or industrial area," *means those activities located within 660 feet of the nearest edge of the highway right-of-way generally recognized as commercial or industrial by zoning authorities in this State, such as land use devoted to commerce, industry, trade, manufacturing, highway service, highway business, warehouses, offices or similar uses, but for the purpose of determining unzoned commercial and industrial areas does not include the following:*

Agricultural, forestry, ranging, mining and mineral extraction activities, grazing and farming activities, including wayside fresh produce stands and grain storage bins;

Railroad tracks and minor sidings;

Transient or temporary activities not involving permanent buildings or structures;

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Activities that are conducted in a building that is used to store trade equipment or that is not integral to the business operation where actual business transactions take place;

Outdoor advertising structures;

Activities not visible from a main-traveled way; and

Activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence). (Section 3.10 of the Act)

"Damaged signs" means signs ~~that which~~ require repair beyond normal maintenance more than fifty percent replacement of the uprights, in whole or in part.

"Department" means the Illinois Department of Transportation.

"Directional signs" means signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately owned natural phenomena; historic, educational, cultural, scientific and religious sites; areas of natural or scenic beauty; or areas naturally suited for outdoor recreation which are deemed to be in the interest of the traveling public.

"Director" means the Director of the Division of Highways or the Director's designee.

"District" means any one of the District offices of the Department's Division of Highways. (See Illustration M.)

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure.

For the purposes of this definition, the following shall not constitute normal maintenance or repair of a sign or sign structure: replacing more than 60% of the uprights, in whole or in part, of a wooden sign structure; replacing more than 30% of the length above ground of each broken, bent, or twisted support of a

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metal sign structure; raising the height above ground of a sign or sign structure; making a sign bigger; adding lighting; or similar activities that substantially change a sign or make a sign more valuable. (Section 3.08 of the Act) ~~Replacing more than fifty percent of the uprights, in whole or in part, or extending the height above ground, or similar activities which substantially change a sign such as anything which makes a sign more valuable; adding lighting, or making the sign bigger are examples, are not normal maintenance or repair.~~

"Expressway" means a primary highway constructed either as a freeway or tollway which has complete control of access. (See Illustration A.) (Section 3.04 of the Act)

"Federal, State or local law" means a Federal or State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to Federal or State constitution or statute.

"Illegal Signs" means signs not in compliance with this Part.

"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on different levels.

"Interstate highway" means any highway, including a tollway, designated by the Department and approved by the United States Department of Transportation as a part of the National System of Interstate and Defense Highways. A highway becomes a part of the National System of Interstate and Defense highways upon the date of approval of the Route Location Decision and the approval of the addition of the highway to the National System of Interstate and Defense Highways by the Governor and the United States Department of Transportation. (Section 3.02 of the Act)

"Main-traveled way" means the traveled way (i.e., pavement) of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas. (Section 3.05 of the Act)

"Maintain" means to allow to exist ~~(Section 3.06 of the Act)~~ and includes the

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periodic changing of advertising messages ~~as well as the normal, customary~~ maintenance ~~and~~ repair of signs and sign structures. (Section 3.06 of the Act)

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

"Municipality" means a city, village, or incorporated town in the State of Illinois, but, "municipal" or "municipality" does not include a township, town when used as the equivalent of a township, incorporated town which has superseded a civil township, county, school district, park district, sanitary district or any other similar governmental district. (Section 3.09 of the Act)

"National Highway System" means the designation provided to certain highways by the Department, which designation must be approved by the United States Department of Transportation and the United States Congress for the purpose of providing an interconnected system of principal arterial routes that serve major population centers, international border crossings, ports, airports, public transportation facilities, other major travel destinations, and interstate and inter-regional travel and meet national defense requirements. (Section 3.15 of the Act)

"Non-conforming sign and/or sign structure" means a registered sign and/or sign structure lawfully in existence as of the effective date of the Highway Advertising Control Act (July 1, 1972), but which thereafter does not conform with the provisions of the Act. The term also includes a lawful sign and/or sign structure rendered non-conforming by its subsequently becoming subject to the terms of the Act, including but not limited to its being adjacent to a highway, and not in a business area, that subsequently comes under control of the Act or a sign and/or sign structure that is rendered non-conforming by subsequent amendment to the Act (except that sign and/or sign structures subject to the amendments of Section 6.01 (Size) and 6.03 (Spacing) of the Act by Public Act 87-1205 shall not be rendered non-conforming, the text of this ~~definition paragraph~~ notwithstanding). A non-conforming sign and/or sign structure may be ~~maintained~~~~repaired~~, but neither a lawfully erected conforming sign and/or sign structure nor a lawfully erected non-conforming sign and/or sign structure may be compelled to be altered or removed under this Act until just compensation is paid to the sign and/or sign

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structure owner and the owner or owners of the property on which the sign and/or sign structure is erected.

"Official notices" means service club and religious notices and public service signs.

"Official signs" means signs erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or non-profit historical societies are considered official signs.

"On premise signs" means those signs which advertise activities conducted on the property on which they are located. Variety seed signs, fertilizer signs, and other agricultural product signs are not on premise signs unless at least ~~50~~^{fifty} percent of the sign face is devoted to identification of the farm owner or operator. A sale or lease sign which also advertises any product or service not located upon and unrelated to the business of selling or leasing the land on which the sign is located is not an on premise sign.

"Parkland" means any publicly owned land which is designed or used as a public park, recreation area, conservation area, wildlife or waterfowl refuge or historic site.

"Primary highway" means any highway, other than an Interstate highway, designated by the Department and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System in existence on June 1, 1991 or any highway other than an Interstate highway that is not on such system that is on the National Highway System. (Section 3.03 of the Act)

"Public utility signs" means warning signs, informational signs, notices or markers which are erected and maintained by publicly or privately owned public utilities as essential to their operations.

"Responsible Local Officials" means in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor; or in urban areas not within any urbanized area, principal elected officials of general purpose local governments.

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"Rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

"Right-of-way" includes all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority pursuant to Section 4-409 of the Highway Code.

"Scenic area" means any area of particular scenic beauty or historical significance as determined by Federal, State or local officials having jurisdiction over said areas, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

"Scenic byway" means that portion of a highway that has been nominated by the Department to the United States Department of Transportation for designation as a National Scenic Byway or All-American Road, and that has received national designation. "Scenic byway" does not include a section of primary or Interstate highway that traverses a business area at the time of nomination, except in accordance with Section 14.02(a)(5) of the Act. (Section 3.16 of the Act)

"Secretary" means the Secretary of the Department.

"Service club and religious notices" means signs and notices relating to meetings of not for profit service clubs and charitable associations, or religious services.

"Sign" means any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place on the main-traveled way of any portion of an Interstate or primary highway and which is within 660 feet of the nearest edge of the right-of-way of such highway. (Section 3.07 of the Act)

"Sign" also means any sign described above which is more than 660 feet from

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the nearest edge of such highway right-of-way, outside of an urban area, visible from any place on the main-traveled way of any portion of such highway and erected with purpose of its message being read from such main-traveled way. (Section 3.07 of the Act)

"Sign Structure" means the assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, display area and trim.

"Unzoned commercial or industrial area" means any area adjacent to the right-of-way of a primary highway or an Interstate highway for purposes of Section 522.210, not zoned by any county or municipality and which lies within 600 feet of any commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. On primary highways other than expressways, but not along Interstate highways for purposes of Section 522.210, where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions except where such lands are publicly owned or controlled for scenic or recreational purposes. (See Illustration B.) (Section 3.11 of the Act)

"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census of the United States having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of the United States Department of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census. (Section 3.14 of the Act)

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity. (Section 3.13 of the Act)

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

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SUBPART B: PERMIT APPLICATION AND REGISTRATION
PROCEDURES AND REQUIREMENTS**Section 522.30 Signs Requiring Permits and Registrations**

The following types of signs may be erected and maintained only after a permit or registration has been issued by the Department. Further, existing signs erected pursuant to the Act can only be re-erected or improved (any change that adds value to the sign)~~altered (outside of normal maintenance activity)~~ subsequent to the receipt of a permit (see Section 522.50, Permit Application Contents).

- a) Signs along Interstate highways that advertise the sale or lease of property on which they are located;
- b) On premise signs located along Interstate highways;
- c) Signs located along Interstate highways that provide information relative to lodging, food, outdoor recreational facilities or automotive service facilities;
- d) Signs in business areas other than directional signs, official signs, official notices, public utility signs, or those non-business area signs described in subsections (a), (b), and (c);
- ~~e) Any nonconforming sign listed in subsections (a) - (d) that, after receiving a permit or registration, becomes a damaged sign and the owner intends to repair the sign. These signs shall require new permits but shall not require payment of a fee;~~
- ef) Any sign listed in subsections (a) through- (d) that, after receiving a permit or a registration, is erected again, is enlarged or extended by the sign owner. These signs shall require new permits and payment of the application fee.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.40 Place of Filing

The permit application or registration shall be filed with the Department office~~District~~ having jurisdiction over the area in which the sign is to be erected or is located. (See Illustration M.H)

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

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Section 522.50 Permit Application Contents

- a) The permit application shall be a form prescribed by the Department. The application shall require the applicant to provide specific information necessary for the ~~Department~~District to determine whether a permit should be issued.
- b) The following additional documentation shall be attached to the permit application:
 - 1) Verification as to the zoning classification for the proposed sign location. For proposed signs along Interstate highways, the documentation shall show whether the site lies within incorporated limits as they existed on September 21, 1959, and, if not, the land use as it was zoned on September 21, 1959. If the site was not zoned on September 21, 1959, or is not zoned now, this shall be stated.
 - A) Verification of zoning classification will consist of an ordinance, certification by the current zoning official and any other documentation that shows the zoning classification. The zoning certification must be submitted on the local governing agency's letterhead and must certify to the site's zoning classification as well as to the site's adherence to the September 21, 1959 criteria prescribed in subsection (b)(1) of this Section.
 - B) Zoning must be comprehensive. Signs will not be permitted on spot zoned land or land on which the only plausible commercial or industrial use is outdoor advertising.
 - C) When the application is for a site in a newly zoned commercial or industrial area and no commercial or industrial site development is evident, the zoning certification must certify to the site's pending commercial or industrial use. For purposes of this subsection (b)(1)(C), "newly zoned" means zoning that occurs from time-to-time when market conditions warrant a change of land use. As evidence of pending commercial or industrial use, the application shall include a site plan that has been approved by the local zoning authority. If an approved site plan does not exist, the application shall include a statement by the local zoning authority certifying to

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the existence of utilities, roads and streets necessary to support commercial or industrial development.

- 2) Illinois State Plane Coordinates or reference to latitude/longitude coordinates for the proposed location, as well as a site drawing of the proposed location. The site drawing for business area signs other than on premise signs and signs that advertise the sale or lease of property on which they are located shall contain at least the following information:
 - A) The exact location of the proposed sign.
 - B) The distance as measured along the edge of the highway pavement between the proposed sign and the nearest existing signs other than on premise signs and signs that advertise the sale or lease of property on which they are located, whether illegal or legal as long as the sign is visible from any place on the main traveled way of the highway regardless of which highway the sign's message is primarily intended to face and, in urban areas, is within 660 feet of the nearest edge of the highway right-of-way. Measured distances between the proposed sign and the nearest existing sign shall be as prescribed in the table in subsection (b)(3).
 - C) The distance between the proposed sign and the nearest edge of the highway right-of-way.
 - D) For signs located along interstate highways or expressways outside incorporated municipalities, the distance between the proposed sign and the beginning or ending of pavement widening for any interchange within 600 feet.
- 3) For signs with display area in excess of 150 square feet, the site drawing shall contain all of the information required in subsection (b)(2) of this Section, and, in addition, shall be prepared or approved by a land surveyor licensed by the State of Illinois and shall show measured distances between the proposed sign and the nearest existing sign according to the following table:

Type of Highway	Distance (feet)
Interstate	600

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Expressway	600
Primary (Unincorporated Area)	600
Primary (Incorporated Area)	400

- 4) For signs with display area in excess of 150 square feet, a current title commitment or other evidence of title showing ownership of the proposed site.
- 5) Whenever the applicant does not own the proposed site, a certificate of good corporate standing from the Illinois Secretary of State's Office will be required, as well as a fully executed site lease, contract to purchase or other proof of consent to erect and maintain a sign on the site. Leases shall contain all riders. Rents need not be shown. All changes made to the lease, contract to purchase, or consent which are related to the requirements of this Part shall also be submitted to the [Department District](#). Whenever the lease, contract to purchase or consent is not signed by the property owner, proof of authority shall also be provided. A lease, contract to purchase, or other form of consent to erect and maintain a sign that is subject to a permit being issued by the Department to erect a sign will be considered a valid and binding document. If the lease, contract to purchase or other consent to erect and maintain a sign is terminated prior to the erection of the sign, the permit is void.
- 6) For on-premise signs, a plat or survey shall be provided showing the location of the sign, the location of the activity being advertised, and the distance to the nearest edge of the highway right of way.
- 7) For signs that advertise the sale or lease of property on which they are located, a site drawing shall be provided showing the location of the sign and the distance to the nearest edge of the highway right-of-way.
- 8) For signs described by Section 522.210, the distance in air miles between the proposed sign and the activity advertised.
- 9) A copy of written notice by the applicant to the municipality where the sign is to be located, or to the county where the sign is to be located in an unincorporated area, of the fact that an application has been filed with the Department. A copy of the completed application form shall be forwarded to the municipality or county.

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- 10) Remittance of the non-refundable application fee by check or money order payable to the Treasurer of the State of Illinois. *As of July 1, 1993, the application fee shall be as follows:*
- A) *For signs of less than 150 square feet, the fee shall be \$50.*
 - B) *For signs of at least 150 but less than 300 square feet, the fee shall be \$100.*
 - C) *For signs of 300 or more square feet, the fee shall be \$200.*
(Section 8 of the Highway Advertising Control Act of 1971) [225 ILCS 440/8]
 - D) The square feet shall be measured by the smallest square, rectangle, triangle, circle, or combination that will encompass the entire display area. If one side of the sign provides for more display area than another, the measurements will be made on the larger side.
- 11) For signs to be located along Interstate highways in business areas on parcels of land located in areas which were unzoned on September 21, 1959, proof based on contemporaneous historical records of State actions that the land use on September 21, 1959 was business, commercial or industrial, must be submitted with the permit application.
- 12) When a permit has previously been issued for a specific sign at a specific site and the holder of that permit wishes to change that permitted sign in a manner that would require the issuance of a new permit, the applicant must provide a copy of the original permit application identifying the permit number and application approval. This type of application will also require the following:
- A) A statement that the application is being submitted in order to improve an existing permitted sign and that this action will not cause any violations pursuant to the requirements of the Act and this Part.
 - B) The removal of the existing permitted sign will occur prior to the

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erection of any other sign approved as a result of this permit application.

- C) All other requirements of the Act and this Part are satisfied without conditions.
- c) The applicant shall certify that all of the information provided is true and accurate and that the applicant is not the owner of, or affiliated with an owner of, an abandoned or illegal sign as defined by this Part. This certification shall be supported by an oath or affirmation acknowledged by a notary public.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.60 Receipt of Application

- a) All permit applications shall be stamped or otherwise marked with the date and time upon receipt at the designated Department~~District~~ office.
- b) Priority of processing permit applications shall be in the order they are received.
- c) If a receipt is requested showing the date and time the application was received, the applicant shall submit a self-addressed, stamped envelope.
- d) Applications must be delivered to the designated Department~~District~~ office with jurisdiction and not to any other District or to personnel other than the personnel designated to accept applications.
- e) Mailed applications will be considered to be received on the date postmarked by the U.S. Postal Service (USPS) on the envelope (at 11:59 PM). Private postmark stamps, bulk rate, or business stamping machines will not establish the proper postmark. The postmark will be established by the canceled stamp or USPS insignia on the envelope. If a postmark fails to exist, then the date shall be the date and time actually received and marked by the designated personnel at the Department~~District~~ office.
- f) Attempting to "notarize" or acknowledge a time other than 11:59 PM will not be recognized when applications are mailed.
- g) Faxed or electronically submitted applications, letters, protests or messages will

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not be accepted unless agreed to in writing by the Department~~Distriet~~ office.

- h) Applications submitted by delivery or expedited mail service (e.g., overnight mail, Federal Express, UPS) will be considered to be applications delivered in person and not applications submitted by the private postmark date.
- i) If two or more applications are mailed or received at the same time that could contradict the interests of the others, and the Department~~Distriet~~ cannot determine which application was there first with any degree of certainty, priority will be determined by the Department~~Distriet~~ by lottery, drawing straws, coin toss, or any other fair and impartial method determined by the Department~~Distriet~~.
- j) To ease administration of permit applications, the Department, at its discretion, may group applications for a particular site or geographic area.
- k) Priority will not defeat the erection of a validly permitted or registered conforming but damaged sign re-erected at the same location.
- l) Examples of Priority Applications:
 - 1) Example One: Application "A" postmarked on the third of the month and received on the fifth; Application "B" hand delivered on the fifth. Application "A" has priority since it was postmarked on the third at 11:59 PM.
 - 2) Example Two: Application "A" postmarked on the third of the month and received on the fifth; Application "B" received at 5:00 PM on the third. Application "B" has priority since it was received at 5:00 PM and Application "A" could have been mailed and postmarked up to 11:59 PM.
 - 3) Example Three: Group A consists of five applications received at different times for a particular location with the first application having priority over the others. The administrator inspects the site during his/her regular duties or schedules a special trip. If conditions will not allow the issuance of a permit, the applications are denied. During the period for processing the denial, conditions change which may allow the issuance of a permit. The application with priority will be considered first, the application with second priority will be considered second, and so forth.

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- 4) Example Four: Same facts as Example three but all five applications receive final denial notice from the ~~Department~~District. ~~Department~~District then moves on to Group B applications, inspects the ~~site~~site(s) and determines if any permits could be issued. If not, a 30-day notice is sent. If, after reinspection, conditions change, the application with first priority in Group B is considered to determine whether a permit can be issued. If not, the second priority application is reviewed and so forth until the formal denial process ends. The ~~Department~~District then moves on to Group C if one exists.
- 5) Example Five: Two applications arrive at different dates but are postmarked on the same date or two or more people claim they are first in line at the designated ~~Department~~District office to have their applications processed. The ~~Department~~District is unable to determine with any degree of certainty who has priority. The ~~Department~~District will inform the parties that the ~~Department~~District will determine priority by lottery as described in subsection (i) of this Part.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.70 Approval of Application

- a) The ~~Department~~District shall approve the permit application upon its determination, after a site investigation that it is complete, correct and in compliance with the requirements of the Act and this Part. The application shall be marked "approved" on its face.
- b) The ~~Department~~District shall notify the permittee that the application has been approved by sending a copy of the approved application to the permittee.
- c) Permittees *shall be issued an identifying tag by the ~~Department~~District which shall be securely affixed to the front face of the sign or sign structure in a conspicuous place by the owner or the Department upon erection of the sign or within ten days after receipt of the tag, whichever is later* (Section 8 of the Act). Permittees shall provide evidence such as "as-built" plans or affidavit, but, preferably by photograph, of erection of signs.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

DEPARTMENT OF TRANSPORTATION

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Section 522.80 Denial of Application

- a) If a review of the application or a site investigation reveals that the permit application is incomplete, contains incorrect information or is not in compliance with the requirements of the Act or this Part, or that the applicant is the owner of, or affiliated with an owner of, an abandoned or illegal sign, then the Department~~Distriet~~ shall notify the applicant in writing by certified mail of its intent to deny the permit application and state the reasons for that action. The notification shall inform the applicant that he/she has 30~~thirty~~ calendar days from the date of receipt of the notification to challenge the intent to deny or to correct the deficiencies noted. No time extensions will be permitted. The challenge shall be made in writing, state the position of the applicant, the facts in support of that position and shall contain any relevant documentation. The challenge must be received in the Department~~Distriet~~ office within the 30~~thirty~~ day period. The Department~~Distriet~~ will review the challenge and shall either approve or deny the application based on the requirements of this Part. No appeal may be taken from the Department's~~Distriet's~~ decision on the challenged application. The applicant's priority will be retained pending the Department's~~Distriet's~~ final decision. Only one application per applicant will be processed for the same site or any site within 500 feet of the site along an Interstate, expressway or a primary highway outside a municipality, or within 300 feet along a primary highway within a municipality, for which a permit application is submitted prior to the final decision by the Department~~Distriet~~.
- b) If, after consideration of the challenge, the Department~~Distriet~~ approves the application, the procedures in Section 522.70 shall apply. If, after consideration of the challenge, the Department~~Distriet~~ denies the application, it shall be marked "denied" on its face and the reason for denial stated on the application. The Department~~Distriet~~ shall notify the permittee of the denial by sending a copy of the denied application.
- c) The permittee shall be deemed to have waived the right to challenge if the challenge is not filed in the time specified in subsection (a) of this Section. In such case, the application will be denied and be processed in the same manner as an application denied with a challenge.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.90 Renewal of Permits

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- a) Signs must be erected within three years after the date the permit is issued. If a sign is not erected within three years, the permit will become void and the applicant will be required to wait 60 calendar days before a new application for that site can be submitted and considered.
- b) *Upon a change in permittee or sign ownership, the new permittee or owner of the sign shall notify the Department, in writing, District of the sign permit or registration number and the old and new permittee or sign owners' names within 60 days after the change in permittee or sign ownership. No application fee is required under these circumstances. Any permit or registration not so renewed shall become revocable in accordance with the provisions of Subpart C. (Section 8 of the Act)*

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.100 Registration of Existing Signs

- a) When a highway or a section of a highway is added to the primary system, the Department District shall so notify owners of signs along such a highway that they have 90ninety days to register their signs.
- b) When a primary highway is added to the Interstate system, the Department shall so notify owners of on premise signs and signs which advertise the sale or lease of property on which they are located that they have 90ninety days to register their signs.
- c) Registration shall be on a form prescribed by the Department and shall be accompanied by a check or money order in the amount of \$5.00 payable to the Treasurer of the State of Illinois.
- d) Signs not registered in accordance with this Section shall receive notice as provided in Subpart C of this Part.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

SUBPART C: REVOCATION OF PERMITS

Section 522.110 Notice of Intent to Revoke

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Whenever ~~the Department~~ ~~District~~ determines that grounds exist for the revocation of a permit or registration (including but not limited to false information in the application, errors in permit processing, failure to erect what was permitted, classification as an owner of an illegal or abandoned sign, use of aliases, affiliates or subsidiary companies to obtain permits, or any other violation of the Act or this Part), the ~~Department~~ ~~District~~ shall notify the permittee by certified mail of its intent to revoke the permit. This notice shall be called the "Notice of Intent to Revoke Permit" ("Notice") and shall inform the permittee that he or she has ~~30~~~~thirty~~ calendar days from receipt of the notice to reply. The procedures in this Subpart shall not apply when a permit has expired without any sign being erected within three years after issuance.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.120 Reply of Permittee

- a) The Reply shall be made to the ~~Department~~ ~~appropriate District~~ in writing and received at that office within the ~~30~~~~thirty~~ day period. No time extensions will be permitted. The Reply shall specifically state one of the following:
 - 1) That the sign has been removed. In such case, evidence of the removal (an affidavit or photograph) shall be submitted with the Reply.
 - 2) That the problem cited in the Notice of Intent to Revoke has been corrected or that measures to correct the problem will be undertaken in the manner and within the times set forth in the Reply. Evidence of the correction (an affidavit or photograph) shall be submitted with the Reply.
 - 3) That a dispute exists and a review is requested.
- b) If the permittee fails to reply or to reply within the ~~30~~~~thirty~~ day period, the Notice shall constitute the "30 day letter" as provided for in Section 522.140 and shall have the same force and effect as same.
- c) If the evidence submitted with the Reply shows that the sign has been removed, then the ~~Department~~ ~~District~~ will notify the permittee that the permit is revoked.
- d) If the evidence shows that the permittee has corrected the problem, the ~~Department~~ ~~District~~ will so notify the permittee and the Notice shall be considered null and void.

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- e) If the Department~~District~~ finds that the evidence submitted with the Reply fails to show that the sign has been removed or that no measures have been taken or proposed to correct the problem, and no review is requested; then the Department~~District~~ will issue a "30 day letter" in accordance with Section 522.140.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

Section 522.130 Review Procedures

- a) Proceedings
- 1) In response to the timely receipt of the permittee's reply requesting a review, the Department~~District~~ will notify the Director within 14 calendar days that a request for review has been received. The Department~~District~~ will also send a copy of the written notice to the permittee by certified mail.
 - 2) Within 28 calendar days after the permittee's receipt of the Department's~~District's~~ notice to the Director, the permittee shall submit to the Director in duplicate its written argument supporting its positions. The permittee shall also send a copy of its argument to the Department~~District~~ by certified mail.
 - 3) Within 28 calendar days after the Department's~~District's~~ receipt of the permittee's argument, the Department~~District~~ will submit to the Director in duplicate its written argument and response to the permittee's argument supporting its positions. The Department~~District~~ is responsible for assembling the record for review and will include the record for review with its argument to the Director. The Department~~District~~ will also send a copy of its argument and response and the record for review to the permittee by certified mail.
 - 4) Within 14 calendar days after receipt of the Department's~~District's~~ argument and response and the record for review, the permittee shall submit to the Director in duplicate its written rebuttal argument to the Department's~~District's~~ argument and response. The permittee's rebuttal argument shall only address the Department's~~District's~~ argument and

DEPARTMENT OF TRANSPORTATION

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response and shall not introduce new theories on the disputed matter. The permittee shall also send a copy of its rebuttal argument to the Department~~District~~ by certified mail.

- 5) The Director may hold a conference if it is necessary to adjudicate conflicting facts or to simplify relevant issues. Conferences may be held in person or by telephone.
- 6) Within 28 calendar days after receipt of arguments, rebuttal argument, exhibits and a conference, if one is held, the Director shall render the decision and promptly notify the Department~~District~~ and the permittee in writing by certified mail of the decision.
 - A) The decision will be based on the written arguments, rebuttal argument, the fact finding conference, and relevant exhibits.
 - B) All ex parte communications with the Director pertaining to the review will be promptly summarized and communicated in writing to the opposing parties.
- 7) Written arguments and written rebuttal arguments must contain proposed findings of fact and conclusions of law.
- 8) If the permittee fails to submit a written argument or does not submit it within the 28 calendar day period, the resultant decision will be that the allegation or allegations as set forth in the Notice of Intent to Revoke Permit are true, correct, and proven.
- 9) If the Department~~District~~ fails to submit a written argument or does not submit it within the 28 calendar day period, the resultant decision will be that the allegation or allegations as set forth in the Notice of Intent to Revoke Permit are unproven.
- 10) If the permittee fails to submit a written rebuttal argument within the 14 calendar day period, the rebuttal argument will not be considered.
- 11) The Director may extend deadlines prescribed in this Section upon a written request by either the permittee or the Department~~District~~.

DEPARTMENT OF TRANSPORTATION

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- b) Departmental Action Following Review
- 1) If a sign has been found to be unlawful, the Department shall issue a "30 day letter" as provided in Section 522.140.
 - 2) If a sign has been found to be in compliance with this Part, the permit will be considered lawful.
 - 3) If the Director finds that insufficient information has been provided, he/she shall direct the parties to supply the needed information so that a decision can be rendered.

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

SUBPART D: STANDARDS FOR SIGNS

Section 522.150 Signs that may not be Erected or Maintained

The following signs shall not be erected or maintained:

- a) Signs located within the right-of-way of an Interstate or primary highway or on any *structure, wire, cable, or other device over or above* an Interstate or primary highway right-of-way *except* the following:
 - 1) *Signs designating the name of the railroad* which owns the bridge.
 - 2) *Signs designating the clearance provided* (Section 9-112.1 and 9-112.2 of the Code) by the bridge.
 - 3) Public utility signs.
 - 4) Signs required by the Code.
 - 5) Signs required by the Illinois Vehicle Code [625 ILCS 5].
 - 6) Signs, displays and devices giving specific information in the interest of the traveling public erected and maintained by the Department or by the Illinois State Toll Highway Authority.

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- b) Signs that *attempt or appear to attempt to direct the movement of traffic* or which contain *wording, color or shape which is similar to official traffic control signs or other traffic control devices*. (Section 9-112.2 of the Code)
- c) Signs that *contain oscillating, rotating, flashing, intermittent or moving light or lights* (Section 9-112.2 of the Code), except the following:
- 1) Signs *giving public service information* including but not limited to *time, weather, date and temperature* (Section 6.02(a) of the Act) and multiple message signs with displays that change not more frequently than once every 10 seconds.
 - 2) *Pole supported business or brand identification signs* inside business areas *with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions*. (Section 9-112.2 of the Code)
 - 3) On premise signs which comply with Section 522.190(g).
- d) Signs that are *erected, painted or drawn upon trees, rocks or other natural features*. (Section 5 of the Act)
- e) Signs that are obsolete (i.e., advertises something that is no longer there), abandoned (i.e., where no message or display appears for one year, unless such display advertises the availability of the sign), or *structurally unsafe or in disrepair* (Section 5 of the Act), unless such structural conditions may be repaired in accordance with the provisions of the Act, and the sign owner agrees in writing to make the repairs within 30 days after receipt of the notice to remove.
- f) Signs that project *beams or rays of light at the travelled way of a State highway or cause such beams or rays to create glare or to impair the vision of a driver of any motor vehicle*. (Section 6.02(b) of the Act)
- g) Signs that are *located within 1,000 feet of official traffic signs, signals, or devices and obscure or interfere with a driver's view of such sign, signal or device*. (Section 6.03(a) of the Act)
- h) Signs that are *located within 1,000 feet of approaching, merging or intersecting traffic and obscure or interfere with a driver's view of such traffic*. (Section

DEPARTMENT OF TRANSPORTATION

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6.03(a) of the Act)

- i) Signs that require a permit for erection or registration under this Part and for which no permit or registration has been issued.
- j) Signs that advertise activities that are illegal under Federal, State or local law in effect at the location of those signs or activities.
- k) Signs (other than multiple message signs) that contain any *animated or moving parts*. (Section 4.02(g) of the Act)
- l) Signs that violate airport hazard zoning regulations adopted by the Department pursuant to the Airport Zoning Act [620 ILCS 25]. (See Illustration J.)
- m) *Signs erected adjacent to a scenic byway that is a primary or Interstate highway after August 2, 1996, except those signs described in Sections 4.01, 4.02, 4.03, 4.06 and 4.08 of the Act.* (Section 5(d) of the Act)
- n) Registered non-conforming signs that are damaged, as defined in Section 522.20 (definition of Damaged Signs), unless maintained or repaired, as defined in Section 522.20 (definition of Erect).

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

SUBPART E: SIGNS WHICH MAY BE ERECTED WITHOUT A PERMIT

Section 522.220 Department Notification

The following types of signs do not require a permit for erection or a registration. However, the sign owner shall notify the appropriate ~~Department~~District Office in writing of the exact sign location, type of sign and size prior to erection.

- a) Directional signs which comply with the standards set forth in Section 522.170.
- b) Official notices which comply with the standards set forth in Section 522.160.
- c) Public Utility signs.
- d) Official signs.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 522.ILLUSTRATION M ~~Department~~District Offices and CountiesCentral Bureau of
Land Acquisition2300 South Dirksen Parkway
Springfield IL 62764
217/785-0808Statewide

District 1

201 West Center Court
Schaumburg IL 60196-1096
847/705-~~43134411~~Cook, DuPage, Kane, Lake,
McHenry and Will

District 2

819 Depot Avenue
~~Dixon~~Dixon IL 61021-3500
815/284-~~22175395~~Boone, Carroll, Henry, JoDaviess,
Lee, Ogle, Rock Island, Stephenson,
Winnebago and Whiteside

District 3

700 East Norris Drive
Ottawa IL 61350
815/434-8417Bureau, DeKalb, Ford, Grundy,
Iroquois, Kankakee, Kendall,
LaSalle and Livingston

District 4

401 Main
Peoria IL 61602
309/671-4460Fulton, Henderson, Knox, Marshall,
McDonough, Mercer, Peoria,
Putman, Stark, Tazewell, Warren and
Woodford

District 5

13473 IL Hwy. 133
P.O. Box 610
Paris IL 61944
217/~~465-4181466-7234~~Champaign, DeWitt, Douglas, Edgar,
McLean, Piatt and Vermilion

District 6

126 East Ash
Springfield IL 62704-4792
217/782-7314Adams, Brown, Cass, Christian,
Hancock, Logan, Macoupin, Mason,
Menard, Montgomery, Morgan, Pike,
Sangamon, Schuyler and Scott

District 7

400 West Wabash
Effingham IL 62401
217/~~342-3951342-8261~~Clark, Clay, Coles, Crawford,
Cumberland, Edwards, Effingham,
Fayette, Jasper, Lawrence, Macon,
Moultrie, Richland, Shelby, Wabash and

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Wayne

District 8

1102 EastPort Plaza
Collinsville IL 62234
618/346-~~32803250~~Bond, Calhoun, Clinton, Greene,
Jersey, Madison, Marion, Monroe,
Randolph, St. Clair and Washington

District 9

State Transportation
Building
2801 West Murphysboro
P.O. Box 100
Carbondale IL 62903
618/351-5240Alexander, Franklin,
Gallatin, Hamilton, Hardin, Jackson,
Jefferson, Johnson, Massac, Perry,
Pope, Pulaski, Saline, Union,
White and Williamson

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of the Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3) Register Citation to Notice of Proposed Amendment: 35 Ill. Reg. 7439; May 13, 2011
- 4) Date, Time and Location of Public Hearing:

Friday, June 24, 2011 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, State Fairgrounds
8th and Sangamon Avenue
Springfield, IL 62794-9281

- 5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendment should submit written comments to:

Department of Agriculture
Attention: Linda Rhodes
P.O. Box 19281
Springfield, IL 62794-9281\

217/785-5713
217/785-4505 (fax)

In order for mailed comments to be available for consideration at the public hearing, please mail no later than June 21, 2011. All comments received will be fully considered by the agency.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3) The Notice of Proposed Amendments being corrected appeared at 35 Ill. Reg. 7463, dated May 13, 2011.
- 4) The Information being corrected is as follows: In response to Question 3, the time, place and manner in which interested persons may comment on this proposed rulemaking should be changed to the following:

Tuesday, June 7, 2011
10 a.m. – 2 p.m.
Bremen Township Hall
15350 Oak Park Avenue
Oak Forest, Illinois 60452

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) The Notice of Proposed Amendments being corrected appeared at 35 Ill. Reg. 7474, dated May 13, 2011.
- 4) The Information being corrected is as follows: In response to Question 3, the time, place and manner in which interested persons may comment on this proposed rulemaking should be changed to the following:

Tuesday, June 7, 2011
10 a.m. – 2 p.m.
Bremen Township Hall
15350 Oak Park Avenue
Oak Forest, Illinois 60452

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Long-Term Care
- 2) Code Citation: 77 Ill. Adm. Code 1125
- 3) The Notice of Proposed Amendments being corrected appeared at 35 Ill. Reg. 7504, dated May 13, 2011.
- 4) The Information being corrected is as follows: In response to Question 3, the time, place and manner in which interested persons may comment on this proposed rulemaking should be changed to the following:

Tuesday, June 7, 2011
10 a.m. – 2 p.m.
Bremen Township Hall
15350 Oak Park Avenue
Oak Forest, Illinois 60452

DEPARTMENT OF STATE POLICE

JULY 2011 REGULATORY AGENDA

a) Part (Heading and Code Citation): Expungement Procedures; 20 Ill. Adm. Code 12051) Rulemaking:

A) Description: The rule will be amended to revise and update procedures for court ordered expungements/sealing of records received by the Illinois Department of State Police, Bureau of Identification.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 20 ILCS 2630/1

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 12101) Rulemaking:

A) Description: The rule will be amended in order to revise procedures for allowing certain individuals to view criminal history record information.

DEPARTMENT OF STATE POLICE

JULY 2011 REGULATORY AGENDA

- B) Statutory Authority: 20 ILCS 2630/7 and 20 ILCS 2605/2605-15
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

DEPARTMENT OF STATE POLICE

JULY 2011 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise and update the procedures associated with the seizure and forfeiture of property under the Drug Asset Forfeiture Procedures Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 725 ILCS 150
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Ms. Suzanne L. Y. Bond

DEPARTMENT OF STATE POLICE

JULY 2011 REGULATORY AGENDA

Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with applying for, or the review of applications, as well as granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seven Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

DEPARTMENT OF STATE POLICE

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G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Currency Reporting Act; 20 Ill. Adm. Code 1245

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JULY 2011 REGULATORY AGENDA

- A) Description: The rule will be proposed in order to provide procedures for authorized representatives to be given access to information and documents relating to financial transactions received by the Director of the State Police from the Federal Government as a result of any memorandum of agreement or understanding between any Department of the United States and the State of Illinois.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 205 ILCS 685/6
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Sexual Assault Evidence Submission Act; 20 Ill. Adm. Code 1255
- 1) Rulemaking:
- A) Description: The rules provide procedures and define responsibilities for the submission of sexual assault evidence in connection with the investigation of a criminal case to a Department of State Police laboratory

DEPARTMENT OF STATE POLICE

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or a laboratory approved and designated by the Director of the State Police.

- B) Statutory Authority: 20 ILCS 2605/2605-15 and 725 ILCS 202/45
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.
- F) Agency contact person for information:

Ms. Suzanne L. Y. Bond
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

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Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 1282

- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Community Notification Law.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

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- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Child Murderer and Violent Offender Against Youth Registration Act; 20 Ill. Adm. Code 1283
- 1) Rulemaking:
- A) Description: The rule will establish policies and procedures for the implementation of the Child Murderer and Violent Offender Against Youth Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 154
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

DEPARTMENT OF STATE POLICE

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G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 1286
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may effect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- n) Part (Heading and Code Citation): Imaging Products; 20 Ill. Adm. Code 1298

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- 1) Rulemaking:
 - A) Description: The rules will be amended in order to update the fees incurred to acquire, maintain, and reproduce the particular imaging products by the Illinois State Police.
 - B) Statutory Authority: 20 ILCS 2605/2605-15
 - C) Scheduled meeting/hearing dates: No schedule has been established at this time.
 - D) Date agency anticipates First Notice: No date has been determined at this time.
 - E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.
 - F) Agency contact person for information:

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 - G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citation): Forensic Training; 20 Ill. Adm. Code 1299
 - 1) Rulemaking:
 - A) Description: This Part is being proposed in order to establish the requirements and procedures for obtaining forensic training from the Department of State Police.
 - B) Statutory Authority: 20 ILCS 2605/2605-15

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- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: May 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Access to Records of the Illinois State Police

1) Rulemaking:

- A) Description: The rules will be established in order to establish procedures for making records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- B) Statutory Authority: 5 ILCS 100/5-15 and 5 ILCS 140
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: None

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JULY 2011 REGULATORY AGENDA

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Noneq) Part (Heading and Code Citation): Arsonist Registration Act1) Rulemaking:

A) Description: The rules will be established in order to establish procedures to extend for 10 years the registration period of any arsonist who fails to comply with the provisions of 730 ILCS 148 and to establish procedures regarding the administration of the Arsonist Registration Fund.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 148

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.

F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

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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 January 1, 2011 through March 31, 2011.

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 and 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; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010 and 35 Ill. Reg. 3618, February 25, 2011.

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) 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. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code

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303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

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: Acrolein	CAS #107-02-8
Acute criterion: 2.7 µg/l	Chronic criterion: 0.22 µg/l
Date criteria calculated: February 1999; reviewed January 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l

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Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.
Chemical: Aniline CAS #62-53-3 Acute criterion: 120 ug/l Chronic criterion: 15 ug/l Date criteria calculated: July 24, 1998; reviewed April 15, 2009 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: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.
Chemical: Atrazine CAS #1912-24-9 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

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LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Human health criterion (HNC): 1.9 ug/l Date criteria derived: February, 1999; reviewed: June 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Bromodichloromethane CAS #75-27-4 Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13 ug/l Date criteria derived: February 1, 1999 Applicable waterbodies: Not used during this period.</p>
<p>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.</p>
<p>Chemical: 2-Chloroaniline CAS #95-51-2 Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4-Chloroaniline CAS #106-47-8 Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>
<p>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.</p>
<p>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.</p>
<p>Chemical: Chloromethane CAS #74-87-3 Acute criterion: 16 mg/l Chronic criterion: 1.3 mg/l Date criteria derived: December 11, 1991</p>

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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: 2,4-D	CAS #94-75-7
Acute criterion: 100 ug/l	Chronic criterion: 8 ug/l
Date criteria derived: July 1, 1993; reviewed April 15, 2009	
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

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<p>Acute criterion: 3,000 ug/l Human health criterion (HTC): 110 ug/l Chronic criterion: 240 ug/l Non-primary contact: 120 ug/l Public and food processing water supply: 6.6 ug/l Date criteria derived: March 20, 1992; revised May 04, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloroethylene CAS #540-59-0 Acute criterion: 14 mg/l Chronic criterion: 1.1 mg/l Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: trans-1,2-dichloroethylene CAS #156-60-5 Human health criterion (HTC): 34 mg/l Date criteria derived: February 1, 1999; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>Chemical: 2,4-dinitrophenol CAS #51-28-5 Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l</p>

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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
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

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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	
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): 330 ug/l	
	Non-primary contact: 490 ug/l
	Public and food processing water supply: 4.6 ug/l
Date criteria derived: January 21, 1992; revised November 25, 2008	
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

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Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	Chronic criterion: 120 ug/l
Chemical: Methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.	CAS #134-04-4 Chronic criterion: 5.4 mg/l
Chemical: Metolachlor Acute criterion: 380 ug/l Date criteria derived: February 25, 1992; revised October 1, 2007 Applicable waterbodies: Not used during this period.	CAS #51218-45-2 Chronic criterion: 30.4 ug/l
Chemical: Naphthalene Acute criterion: 510 ug/l Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l
Chemical: 4-nitroaniline Acute criterion: 1.5 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	CAS #100-01-6 Chronic criterion: 0.12 mg/l
Chemical: Nitrobenzene Acute criterion: 15 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.	CAS #98-95-3 Chronic criterion: 8.0 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #115-07-1 Chronic criterion 0.40 mg/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Pyrene Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Styrene Acute criterion: 2.5 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009 Applicable waterbodies: Not used during this period.	CAS #120-42-5 Chronic criterion: 0.2 mg/L
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: Thallium Acute criterion: 86 ug/l Human health criterion (HTC): 3.0 ug/l Non-primary contact: 3.0 ug/l Public and food processing water supply: 1.2 ug/l Date criteria derived: October 22, 2007; revised November 18, 2008 Applicable waterbodies: Not used during this period.	CAS #7440-28-0 Chronic criterion: 11 ug/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 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.	CAS #79-00-5 Chronic criterion: 4.4 mg/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Non-primary contact: 26 ug/l Public and food processing water supply: 2.5 ug/l Date criteria derived: October 23, 1992; revised November 18, 2008 Applicable waterbodies: Not used during this period.</p>	<p>CAS #79-01-6 Chronic criterion: 940 ug/l</p>
<p>Chemical: 1,2,4-trimethylbenzene Acute criterion: 360 ug/l Date criteria derived: July 15, 1998; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.</p>	<p>CAS #95-63-6 Chronic criterion: 29 ug/l</p>
<p>Chemical: Vinyl chloride Acute criterion: 22 mg/l Human health criterion (HNC): 1.5 ug/l Non-primary contact: 2 ug/l Public and food processing water supply: 0.025 ug/l Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008 Applicable waterbodies: Not used during this period.</p>	<p>CAS #75-01-4 Chronic criterion: 1.7 mg/l</p>

Lake Michigan Basin Criteria

<p>Chemical: Antimony <u>Aquatic Life Criteria:</u> Acute criterion: 470 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.</p>	<p>CAS #7440-36-0 Chronic criterion: 120 ug/l</p>
<p>Chemical: Bis(2-ethylhexyl)phthalate <u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l <u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 2.8 ug/l Non-drinking water: 3.2 ug/l</p>	<p>CAS #117-81-7 Chronic criterion: 17 ug/l</p>

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethylene	CAS #540-59-0
<u>Aquatic Life Criteria:</u> Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l	
Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.	
Chemical: Methylene Chloride	CAS #75-09-2
<u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l	
<u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 47 ug/l Non-drinking water: 2,600 ug/l	
Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	
Chemical: Thallium	CAS #7440-28-0
<u>Aquatic Life Criteria:</u> Acute criterion: 54 ug/l Chronic criterion: 15 ug/l	
<u>Human Health Threshold Criteria:</u> Public and food processing water supply: 1.3 ug/l Non-drinking water: 3.7 ug/l	
Date criteria derived: June 20, 2006; revised November 18, 2008 Applicable waterbodies: Not used during this period.	
Chemical: Vinyl Chloride	CAS #75-01-4
<u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l	
<u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l	
Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.	

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

Brian Koch
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 24, 2011 through May 31, 2011 and have been scheduled for review by the Committee at its June 14, 2011 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>
7/9/11	<u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310)	4/8/11 35 Ill. Reg. 5705	6/14/11
7/9/11	<u>State Board of Education,</u> Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	3/4/11 35 Ill. Reg. 3668	6/14/11
7/9/11	<u>State Board of Education,</u> Secular Textbook Loan (23 Ill. Adm. Code 350)	3/4/11 35 Ill. Reg. 3690	6/14/11

EXECUTIVE ORDER**2011-04****EXECUTIVE ORDER REGARDING THE GOVERNORS'S RURAL AFFAIRS
COUNCIL**

WHEREAS, the Governor's Rural Affairs Council was created pursuant to Executive Order Number 7 on October 15, 1986 to maintain the rural emphasis in Illinois government, strengthen the rural economy, increase the capacity and viability of local governments and improve education and human service opportunities in Illinois; and

WHEREAS, these issues remain priorities of the State of Illinois in the 21st century; and

WHEREAS, the needs of rural residents and communities vary greatly from one part of the State of Illinois to another part of the State; and

WHEREAS, the rural challenges and opportunities continue to evolve over time; and

WHEREAS, the Institute for Rural Affairs at Western Illinois University is the academic clearinghouse in the State of Illinois for rural development and initiatives; and

WHEREAS, policies and programs developed to meet the needs of rural Illinoisans are most effective when directed and coordinated by a leader at the highest level of state government; and

WHEREAS, the Governor's Rural Affairs Council and the Institute for Rural Affairs at Western Illinois University coordinate rural development initiatives through the Office of the Lieutenant Governor; and

WHEREAS, the Lieutenant Governor, as Chair of the Governor's Rural Affairs Council, has the authority to organize government and private sector resources to secure assistance and enhance the quality of life for rural Illinoisans; and

THEREFORE, I, Pat Quinn, Governor of Illinois, pursuant to the powers vested in me by Article V of the Constitution of Illinois, do hereby order as follows:

I. PURPOSE

The purpose of the Governor's Rural Affairs Council is to develop and implement strategies for improving delivery of State of Illinois services to rural Illinois and to expand opportunities and enhance the quality of life for rural residents. The Governor's Rural Affairs Council and the Institute for Rural Affairs at Western Illinois University shall continue to issue an Annual Report in accordance with Executive Order Number 13 of October 11, 1991.

EXECUTIVE ORDER**II. MEMBERSHIP**

- a. The Lieutenant Governor shall serve as Chair of the Governor's Rural Affairs Council.
- b. Members of the Governor's Rural Affairs Council shall include one representative from each of the following Illinois not-for-profit corporations: Illinois Agricultural Association and Rural Partners.
- c. Members of the Governor's Rural Affairs Council shall also include one representative from each of the following governmental agencies or institutions in the State of Illinois: Illinois Department on Aging, Illinois Department of Agriculture, Illinois Department of Commerce and Economic Opportunity, Illinois Department of Employment Security, Illinois Department of Human Services, Illinois Department of Natural Resources, Illinois Department of Public Health, Illinois Department of Transportation, Illinois Environmental Protection Agency, Illinois Community College Board, Illinois State Board of Education, University of Illinois-Cooperative Extension Service, Illinois Housing Development Authority, Southern Illinois University, Institute for Rural Affairs at Western Illinois University, and Illinois Finance Authority.
- d. The Governor shall appoint up to six citizen members to serve on the Governor's Rural Affairs Council as required to increase the Governor's Rural Affairs Council membership to a total of no more than 25 members.

III. GOVERNANCE

- a. The Council shall meet as often as the Chair deems necessary.
- b. The governmental agencies or institutions in the State of Illinois with representatives eligible to serve on the Governor's Rural Affairs Council shall provide information upon request to the Chair of the Governor's Rural Affairs Council concerning agency programs, data, and activities that impact rural Illinois.
- c. The Chair of the Governor's Rural Affairs Council may appoint persons, including but not limited to, representatives from government, private industry, and not-for-profit organizations, to serve on committees of the Governor's Rural Affairs Council and to provide input to the Governor's Rural Affairs Council as a whole.

EXECUTIVE ORDER**IV. TRANSPARENCY**

In addition to whatever policies or procedures the Governor's Rural Affairs Council may adopt, all operations of the Governor's Rural Affairs Council will be subject to the provision of the Illinois Freedom of Information Act (5 ILCS 430/1 et seq.) and the Illinois Open Meetings Act (5 ILCS 120/1 et seq.). This Section shall not be construed so as to preclude other statutes from applying to the Governor's Rural Affairs Council and its activities.

V. PRIOR EXECUTIVE ORDERS

Executive Order Number 6 of October 15, 1986, Executive Order Number 7 of October 15, 1986, Executive Order Number 13 of October 11, 1991 and Executive Order Number 1 of January 11, 2000 are each hereby amended in accordance with the provisions of this Executive Order Number 2011-04.

VI. EFFECTIVE DATE

This Executive Order Number 2011-04 shall become effective upon filing with the Secretary of State.

Issued by the Governor: May 18, 2011

Filed with the Secretary of State: May 18, 2011

PROCLAMATION

2011-146**National Alcohol and Drug Addiction Recovery Month (Revised)**

WHEREAS, substance use disorders are a major public health problem that affects Americans of every age, race and ethnic background, in all communities; and,

WHEREAS, treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted as well as their family members; and,

WHEREAS, according to the *2008 National Survey on Drug Use and Health*, an estimated 23.1 million people aged 12 or older in the United States needed treatment for an illicit drug or alcohol use problem in 2008, however, only approximately 1.7 million received treatment for alcohol or illicit drug problems; and,

WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress and financial strife, however, people who receive treatment for substance use disorders can lead more productive and fulfilling lives, personally and professionally; and,

WHEREAS, studies show that individualized treatment greatly increases the chances for people to be successful in their path to recovery; unfortunately, many afflicted by substance use disorders do not believe treatment is necessary, and those who do seek treatment face barriers to recovery, including the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and a lack of information about treatment options; and,

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives and the lives of their families, thus, it is critical that we educate community members that substance use disorders are serious, yet treatable health care problems, and by treating them like other chronic diseases, we can improve the quality of life for the entire community; and,

WHEREAS, in order to increase education and awareness, September has been designated as Recovery Month - an annual observance that highlights the societal benefits of substance abuse treatment, celebrates the contributions of treatment providers and promotes the message that recovery from substance abuse in all its forms is possible; and,

WHEREAS, the theme of this year's Recovery Month, "Join the Voices for Recovery: Recovery Benefits Everyone," emphasizes the need to use all available resources to educate people about the disease of addiction, seek help, and heal; and,

PROCLAMATION

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Illinois Department of Human Services' Division of Alcoholism and Substance Abuse invite all residents of Illinois to participate in National Alcohol and Drug Addiction Recovery Month:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2011 as **NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH** in Illinois, and call on all citizens to celebrate the lives of those who are in recovery, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor April 14, 2011

Filed by the Secretary of State May 20, 2011

2011-175**Celiac Disease Awareness Month**

WHEREAS, celiac disease, a genetic autoimmune disease, is a serious chronic condition affecting an estimated 3 million men, women and children in the United States; and,

WHEREAS, celiac is an inherited disorder that affects the digestive process of the small intestine. When a person who has celiac disease consumes gluten, a protein found in wheat, rye and barley, the individual's immune system responds by attacking the small intestine and inhibiting the absorption of important nutrients into the body; and,

WHEREAS, approximately 200,000 people have been diagnosed with celiac disease and it is estimated that 95 percent of Americans with celiac disease remain undiagnosed; and,

WHEREAS, the length of time for an adult to be diagnosed with celiac disease is 6 years from the onset of symptoms; and,

WHEREAS, delays in diagnoses of celiac disease are costing the health care system millions of dollars; and,

WHEREAS, failure to diagnose celiac disease can lead to the onset of other autoimmune disorders including rheumatoid arthritis, systemic lupus, and Sjögren's syndrome, as well as osteoporosis, infertility, neurological conditions, and in rare cases, cancer; and,

WHEREAS, 12 percent of persons with type 1 diabetes have celiac disease; and,

PROCLAMATION

WHEREAS, individuals with Down Syndrome are at increased risk of having celiac disease; and,

WHEREAS, 30 percent of new diagnosed celiacs are over the age of 60; and,

WHEREAS, 50 percent of men diagnosed with celiac disease will have iron deficiency anemia; and,

WHEREAS, gluten sensitivity, a condition on the celiac spectrum, affects approximately 18 million people in the United States; and,

WHEREAS, 10 percent of people with celiac disease suffer from an associated neurological conditions such as peripheral neuropathy and ataxia; and,

WHEREAS, the only known treatment for celiac disease is strict adherence to a gluten-free diet; and,

WHEREAS, the United States has no regulatory standard for the term 'gluten-free' and no regulations governing the labeling of products as 'gluten-free; and,

WHEREAS, the lack of a standard for gluten-free foods and labeling of products places poses ongoing health risks to persons with celiac disease; and,

WHEREAS, increased recognition and awareness of celiac disease will have a significant positive impact on the quality of life of people with celiac disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2011 as **CELIAC DISEASE AWARENESS MONTH** in Illinois.

Issued by the Governor May 5, 2011

Filed by the Secretary of State May 20, 2011

2011-176**National Nursing Home Week**

WHEREAS, older adults and persons with disabilities in nursing homes have led exceptional and extraordinary lives which have helped enhance the quality of life in this great State; and,

WHEREAS, nursing homes in Illinois strive to provide quality health care and rehabilitation for our elderly citizens and persons with disabilities; and,

PROCLAMATION

WHEREAS, this dedication has been demonstrated through a passionate commitment to upgrade standards of care and improve resident services; and,

WHEREAS, Illinois nursing homes have focused on optimizing resident quality of life through programs that tap into their interests, showcase their abilities, and provide them meaningful moments of success; and,

WHEREAS, National Nursing Home Week spotlights nursing home residents and staff and encourages all to celebrate those who make a positive difference in residents' lives every day; and,

WHEREAS, "Fulfilling the Promise" is this year's theme for National Nursing Home Week; and,

WHEREAS, nursing homes throughout Illinois will be hosting activities with residents, families, staff, and visitors in observance of National Nursing Home Week beginning May 8, 2011:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8 – 14, 2011 as **NATIONAL NURSING HOME WEEK** in Illinois, and encourage all citizens to recognize those individuals who have continually committed themselves to quality care and outstanding service in our state's nursing homes.

Issued by the Governor May 5, 2011

Filed by the Secretary of State May 20, 2011

2011-177**Peace Officers Memorial Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of law enforcement who selflessly serve to protect our lives and keep our families and communities safe; and,

WHEREAS, every day, the men and women who work in law enforcement face great risks and, in many cases, put their safety on the line to perform their duties; and,

WHEREAS, peace officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention. They must preserve the safety of our lives and property, and maintain professional demeanor in stressful situations; and,

WHEREAS, these officers must possess an intuitive sense to resolve conflicts and save lives; and,

PROCLAMATION

WHEREAS, we could not live safely and comfortably in our communities without the hard work and sacrifices made each day by our peace officers; and,

WHEREAS, the State of Illinois is pleased to recognize peace officers for their hard work to ensure the safety of our communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby declare May 15, 2011 as **PEACE OFFICERS MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to sunset on this day in honor of the heroism of all our law enforcement officers, especially those who have given their lives so that others might live.

Issued by the Governor May 5, 2011

Filed by the Secretary of State May 20, 2011

2011-178**Ride of Silence Day**

WHEREAS, on May 18, 2011, at 7:00 PM, the Ride of Silence will begin in North America and roll across the globe. Cyclists will take to the roads in a silent procession to honor fellow cyclists who have been killed or injured while cycling on public roadways; and,

WHEREAS, in 2003, Chris Phelan organized the first Ride of Silence in Dallas after endurance cyclist Larry Schwartz was hit by the mirror of a passing bus and was killed; and,

WHEREAS, news of the ride, which was intended to be a one-time event, quickly spread. In 2008, more than 7,500 people participated in the Ride of Silence in more than 204 locations worldwide. In 2009, over 289 locations around the world hosted a Ride of Silence; and,

WHEREAS, millions of Americans engage in cycling because it is a viable and environmentally sound form of transportation and an excellent form of physical exercise; and,

WHEREAS, there is a need to promote alternative forms of transportation such as walking and bicycling in order to reduce pollution, reduce America's dependence on fossil fuels, and improve the health and well-being of all people; and,

WHEREAS, although cyclists have a legal right to share the road with motorists, the motoring public often isn't aware of these rights, and sometimes not aware of the cyclists themselves; and,

PROCLAMATION

WHEREAS, held during Bike Safety Month, the Ride of Silence is a free ride held on the same day and time across the world that asks its cyclists to ride no faster than 12 mph and remain silent during the ride, treating the ride as a funeral procession in mourning of fallen cyclists; and,

WHEREAS, the Ride of Silence aims to raise the awareness of motorists, police and city officials that cyclists have a legal right to the public roadways; and,

WHEREAS, the ride is also a chance to honor those who have been killed or injured while bicycling on public roadways; and,

WHEREAS, the State of Illinois is proud to promote bicycling as an alternative means of public mobility, and is committed to providing a safe and responsible bicycling environment for all of its residents; and,

WHEREAS, on May 18, communities across the State of Illinois will host Rides of Silence to show respect for fallen cyclists and to raise awareness of the importance of sharing our public roadways:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 18, 2011 as **RIDE OF SILENCE DAY** in Illinois, in remembrance of cyclists who have been killed or injured while bicycling on public roadways, to encourage bicycle safety, and to raise awareness of cyclists' right to share the road.

Issued by the Governor May 5, 2011

Filed by the Secretary of State May 20, 2011

2011-179
Arts Education Day

WHEREAS, the arts are the embodiment of beauty throughout the world and help to preserve our cultural heritage; and,

WHEREAS, it has been shown that arts education positively impacts developmental growth and levels the educational playing field across socio-economic boundaries; and,

WHEREAS, according to Americans for the Arts, arts education stimulates and develops the imagination and critical thinking and refines cognitive and creative skill. Arts education adds to overall academic achievement and school success; and,

WHEREAS, arts education, which includes dance, drama, music and visual arts is an essential part of basic instruction for all students, providing them with a balanced education that will aid

PROCLAMATION

in developing their full potential. A balanced and complete curriculum should include arts education because it improves attendance, increases graduation rates and sharpens critical and creative thinking, which will be important skills in our shifting global economy; and,

WHEREAS, the Chicago Children's Choir was founded in 1956 as a multiracial, multicultural organization dedicated to shaping the future by making a difference in the lives of children through musical excellence; and,

WHEREAS, the Chicago Children's Concert Choir is world-renowned and has performed in countries all over the world and for various world leaders and heads of state, including former South African President Nelson Mandela, the Dalai Lama, Archbishop Desmond Tutu and Secretary of State Clinton; and,

WHEREAS, the Chicago Children's Concert Choir released its first studio-recording *Open Up Your Heart* in 2004, followed by *SitaRam* in 2006, and the Emmy-award winning documentary *Songs on the Road to Freedom* in 2008; and,

WHEREAS the Chicago Children's Choir now serves 2,700 children in 40 schools and 8 after school programs throughout Chicagoland, uniting children of all backgrounds through music education and inspiring them through musical excellence; and,

WHEREAS, this excellence is symbolized by the Chicago Children's Choir signature red uniforms; and,

WHEREAS, *Paint the Town Red* is an annual event that features all members of the 2,700-member choir who come together to perform songs from around the world through a concert in Chicago's Millennium Park:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 16, 2011 as **ARTS EDUCATION DAY** in Illinois, in order to raise awareness about the benefits of arts education in the schools and do hereby commend the Chicago Children's Choir on achieving musical excellence.

Issued by the Governor May 5, 2011

Filed by the Secretary of State May 20, 2011

2011-180
Corporal John Peck Day

PROCLAMATION

WHEREAS, all citizens owe a tremendous debt of gratitude to the brave men and women of the United States Armed Forces who heroically serve to defend the freedom and safety of all Americans; and,

WHEREAS, these heroic service men and women have demonstrated their love and convictions in the people and freedoms of this country by answering the call of duty during times of peace and of war; and,

WHEREAS, the United States and the State of Illinois are blessed with countless men and women who have answered the call to serve with courage and integrity. These members of our military are true heroes; and,

WHEREAS, one such hero is United States Marine Corps Corporal John M. Peck; and,

WHEREAS, Corporal Peck, a former Jefferson High School student and a graduate of Antioch High School in Lake County, enlisted in the Marines in September of 2005; and,

WHEREAS, as a member of the 3rd Battalion, 1st Marines Weapons Company, Corporal Peck deployed to Iraq in 2007, where he received his first Purple Heart when his vehicle was attacked by an Improvised Explosive Device (IED). Yet, in April of 2009, Corporal Peck reenlisted to serve his country for another four years; and,

WHEREAS, Corporal Peck earned his second Purple Heart when he once again encountered an IED while on patrol in May of 2010, while serving a second deployment overseas; and,

WHEREAS, Corporal Peck's injuries from this attack were extensive. He was placed in a medically-induced coma and required multiple surgeries to repair his wounds and fight an infection. Corporal Peck fought through successfully against all odds; and,

WHEREAS, Corporal Peck, over the course of his military service has earned numerous awards and commendations in addition to his two Purple Hearts, including two Combat Action Ribbons, two Iraq Companion Action Ribbons, two Iraq Companion Medals, two Sea Services Medals, the Afghanistan Companion Medal, the Good Conduct Medal, the NATO Medal and the Meritorious Mast; and,

WHEREAS, Corporal Peck is now on a new mission, spending much of his time comforting his fellow servicemembers who have been injured in the line of duty. With the support of his family and fellow Marines, Corporal Peck continues on the road to recovery and is making plans for the future; and,

PROCLAMATION

WHEREAS, Corporal Peck's injuries required 81 blood transfusions over the course of treatment. In recognition of the life-saving potential of blood donation and in honor of Corporal Peck, on Monday, May 9, 2011, the Antioch VFW will hold a replenishment blood drive:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 9, 2011 as **CORPORAL JOHN PECK DAY** in Illinois, in recognition of Corporal Peck's service and sacrifice, and encourage all citizens to express their respect and gratitude for our nation's troops by supporting them in whatever way possible.

Issued by the Governor May 6, 2011

Filed by the Secretary of State May 20, 2011

2011-181**Day of Salute to Dominican Baseball Players at Wrigley Field**

WHEREAS, throughout our nation's history, sports have served as a forum for combating prejudice and racism by illustrating the ability of men and women from different backgrounds to come together and work toward a common goal; and,

WHEREAS, baseball is America's national pastime, and since the breaking of the color barrier in Major League Baseball in 1947, ballplayers of all races and nationalities have made great contributions to the sport; and,

WHEREAS, over the years, baseball players from the Dominican Republic, where the sport is known as beisbol, have become integral components of the rosters of many major league teams, demonstrating an outstanding level of athletic skill, as well as sportsmanship; and,

WHEREAS, the State of Illinois is proud to enjoy a close relationship with the Consulate General of the Dominican Republic in Chicago, reinforcing the bonds of friendship between our nations through cultural, educational, and economic exchanges that benefit the people of both Illinois and the Dominican Republic; and,

WHEREAS, the Chicago Cubs have also demonstrated their commitment to the Dominican Republic, helping to build a new facility to train, educate and develop athletes from around the Caribbean, as well as supporting a rural health care program, expanding a surgical center recovery room, and constructing a new facility at a local school; and,

WHEREAS, on Tuesday, May 10, 2011, the Chicago Cubs and the Consulate General of the Dominican Republic in Chicago will honor players from the Dominican Republic in a pre-game ceremony at Wrigley Field; and,

PROCLAMATION

WHEREAS, prior to the Tuesday evening game against the St. Louis Cardinals, Cubs Starlin Castro, Carlos Marmol, Marcos Mateo, Carlos Peña, Aramis Ramirez and Alfonso Soriano, along with Cardinals Miguel Batista and Albert Pujols will be presented with a special recognition award by Consul General of the Dominican Republic Gisselle Castillo-Veremis on behalf of the President of the Dominican Republic; and,

WHEREAS, players of Dominican heritage keep the dream alive for the young sons of all Dominican families who eagerly bat the ball all over the training grounds in the Dominican Republic every year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 10, 2011 as a **DAY OF SALUTE TO DOMINICAN BASEBALL PLAYERS AT WRIGLEY FIELD** in Illinois, in recognition of the contributions that baseball players of Dominican heritage have made to the sport and to our nation.

Issued by the Governor May 10, 2011

Filed by the Secretary of State May 20, 2011

2011-182**Major Quincy Washington Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and,

WHEREAS, one of these brave men, Major Quincy Washington of the United States Army, served 12 months in Afghanistan as the Executive Officer for the 4th Battalion 401st Army Field Support Brigade and later as Logistic Task Force Commander, Forward Operating Base Ghazni, 3rd Battalion, 401st Army Field Support Brigade in support of the Polish Battle Group during Operation Enduring Freedom; and,

WHEREAS, Major Quincy Washington's motivational leadership, support, work ethic, and communication skills led the U.S. Army's Logistic Task Force to exceed requirements for Sustainment Maintenance support to the Coalition and Provincial Reconstruction Team throughout Regional Command East and was critical in the growth of the U.S. Army Material Command's area and operations on FOB Ghazni; and,

WHEREAS, the Bronze Star Medal was authorized by President Roosevelt in 1944, and is awarded to a person who, while serving in any capacity in or with the military of the United States, distinguished himself or herself by heroic or meritorious achievement while engaged in military action against opposing forces; and,

PROCLAMATION

WHEREAS, in recognition of his selfless commitment to his country and his outstanding perseverance and bravery under hostile conditions, which included rocket attacks and indirect fire, Major Quincy Washington was awarded the Bronze Star Medal; and,

WHEREAS, the State of Illinois is honored to be home to Major Quincy Washington, who has demonstrated a true servant's heart, not only by defending our country in military action, but by also answering the call for public service as an employee with the Illinois Department of Children and Family Services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 4, 2011, as **MAJOR QUINCY WASHINGTON DAY** in Illinois, in honor of his courageous service and well-deserved receipt of the Bronze Star Medal.

Issued by the Governor May 12, 2011

Filed by the Secretary of State May 20, 2011

2011-183**Staff Sergeant Joseph V. Jedlovec, Jr. Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and,

WHEREAS, one of these brave men, Staff Sergeant Joseph V. Jedlovec, Jr. of the United States Army, served with the 3d Platoon, Company D, 1st Battalion, 501st Infantry Regiment, in the Republic of Vietnam; and,

WHEREAS, Staff Sergeant Jedlovec demonstrated valorous achievement from May 6, 1968 to May 7, 1968 by exposing himself to continuous enemy fire during an enemy attack while providing aid to an injured Squad Leader; and,

WHEREAS, while proceeding to organize a team to MEDEVAC the injured Squad Leader, Staff Sergeant Jedlovec moved from position to position and directed the platoon. He was able to keep the unit together and deliver a devastating attack upon insurgent forces; and,

WHEREAS, the Bronze Star Medal was authorized by President Roosevelt in 1944, and is awarded to a person who, while serving in any capacity in or with the military of the United States, distinguished himself or herself by heroic or meritorious achievement while engaged in military action against opposing forces; and,

PROCLAMATION

WHEREAS, in recognition of his selfless commitment to his country and his outstanding perseverance and bravery under hostile conditions, Staff Sergeant Jedlovec will be formally awarded the Bronze Star Medal with "V" Device at Cantigny on May 21st, 2011:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2011 as **STAFF SERGEANT JOSEPH V. JEDLOVEC, JR. DAY** in Illinois, in honor of his courageous service and well-deserved receipt of the Bronze Star Medal.

Issued by the Governor May 12, 2011

Filed by the Secretary of State May 20, 2011

2011-184
AmeriCorps Week

WHEREAS, service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet our challenges by volunteering in their communities; and,

WHEREAS, the current economic downturn means more Americans are facing hardships, and volunteering and national service is needed more than ever; and,

WHEREAS, the AmeriCorps national service program has proven to be a highly effective way to engage Americans of all ages and backgrounds in meeting a wide range of community needs and promotes the ethic of service and volunteering since its creation in 1994; and,

WHEREAS, each year AmeriCorps, including AmeriCorps*VISTA and AmeriCorps*NCCC, provides opportunities for 80,000 citizens across the nation, including approximately 2,600 in Illinois, to give back in an intensive way to our communities, our state, and our country; and,

WHEREAS, more than 706,000 men and women across the nation, including more than 26,000 from Illinois, have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps Members since 1994; and,

WHEREAS, those AmeriCorps Members have served a total of more than 860 million hours nationwide, including more than 30 million served by residents from Illinois; which equates to more than \$670 million in service, helping to improve the lives of our state's most vulnerable citizens, strengthen our educational system; protect our environment, and contribute to our public safety; and,

PROCLAMATION

WHEREAS, the Serve Illinois Commission on Volunteerism and Community Service plays a key role in determining where AmeriCorps resources should be directed to meet state and local needs; and,

WHEREAS, AmeriCorps members serve with more than 14,000 nonprofit, community, educational, and faith-based community groups nationwide; including more than 300 in Illinois, and,

WHEREAS, AmeriCorps last year recruited and supervised more than 2.6 million community volunteers for the organizations they serve and leveraged more than \$480 million in additional resources; and,

WHEREAS, residents of Illinois have earned more than \$73.7 million in Segal AmeriCorps Education Awards to help pay for college or pay back student loans; and,

WHEREAS, AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, public servants, and nonprofit leaders in disproportionately high levels; and,

WHEREAS, AmeriCorps Week, May 14-21, 2011, is an opportune time for the people of Illinois to salute AmeriCorps members and alums for their service; thank AmeriCorps' community partners; and bring more Americans into service:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 14-21, 2011 as **AMERICORPS WEEK** in Illinois, and urge citizens to thank AmeriCorps members and alumni for their service and to find ways to give back to their communities.

Issued by the Governor May 13, 2011

Filed by the Secretary of State May 20, 2011

2011-185
Citizen Musician Day

WHEREAS, music captures an element of the human spirit that we often take for granted in our daily lives; and,

WHEREAS, music brings us together as a community to celebrate the creative minds who give voice to the emotions with which we can all identify; and,

WHEREAS, the Chicago Symphony Orchestra (CSO) is consistently hailed as one of today's leading orchestras. Led by renowned Italian conductor Riccardo Muti as its tenth music director,

PROCLAMATION

the CSO is working to fulfill his vision for the Orchestra—to deepen its engagement with the Chicago community, to nurture the legacy of the CSO while supporting a new generation of musicians, and to collaborate with visionary artists; and,

WHEREAS, with that goal in mind, the Chicago Symphony Orchestra's Institute for Learning, Access and Training and Maestro Muti – in association with Yo-Yo Ma, celebrated cellist and the CSO's Judson and Joyce Green Creative Consultant – have launched the Citizen Musician initiative in order to bring music to the largest number of people possible and expand the Orchestra's connection to its community; and,

WHEREAS, the Citizen Musician initiative is a call to action for professional, amateur, and young musicians, as well as music lovers, music educators, and music and educational organizations to use their talent and passion for music to enhance the quality of life and address issues of concern in their communities; and,

WHEREAS, music touches the lives of listeners of all ages, bringing beauty and enjoyment no matter how young or old the listener may be. Similarly, every performer shares a unique expression in his or her performance; and,

WHEREAS, citizen musicians harness the energy of music and performers to touch others through music by creating moments of community and sharing their experiences and enthusiasm with others in times of sorrow and celebration; and,

WHEREAS, the 2011 Chicago Youth in Music Festival, presented by the Institute for Learning, Access and Training at the Chicago Symphony Orchestra and Chicago's leading organizations in youth music education and performance will be held this year from May 5-15; and,

WHEREAS, the 2011 Chicago Youth in Music Festival celebrates ten days of citizen musicianship, and offers Illinoisans of all ages the opportunity to choose from concerts, open rehearsals, and public discussions to see and hear young musicians making the most of their talents; and,

WHEREAS, the 2011 Chicago Youth in Music Festival will culminate on Sunday, May 15, 2011 with the Celebration of Youth in Music Concert at the Symphony Center; and,

WHEREAS, under the lead of Maestro Muti and Yo-Yo Ma, the concert will conclude the 2011 Chicago Youth in Music Festival, showcasing the many young musicians who have participated in the program and demonstrate the power of music to improve our communities and quality of life:

PROCLAMATION

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15, 2011 as **CITIZEN MUSICIAN DAY** in Illinois, in recognition of music's unique ability to create a sense of community, and encourage all citizens to join in support of this important imitative and to exercise their musical citizenship.

Issued by the Governor May 13, 2011

Filed by the Secretary of State May 20, 2011

2011-186**International Year of the Forest**

WHEREAS, trees and forests cover over one third of the earth's land base and about one-third or 747 million acres of the United States land base with Illinois forests comprising over 5 million acres of private, public and community forests; and,

WHEREAS, forests play an essential role in our livelihoods and subsistence; provide the roots of our traditions and cultures; provide the cornerstone for the whole living ecosystem, and provide habitat for over half of the earth's animal species and 80 percent of the terrestrial biodiversity; and,

WHEREAS, forests are the guardians of climate carbon sequestration; in addition, 300 million people live in forests and 1.6 billion people (1 in every four) are directly dependent upon the forests for their livelihood; and,

WHEREAS, all 7 billion humans rely on all the benefits the forests bestow for: the food we eat, the air we breathe, the freshness of the water we drink, the building products for our homes, the paper we use, for protection from the sun and cold winds, the shade we recreate and rest under, inspiration for our fine art and visual expressions; and half of the world's medications come from forests and trees. Subsequently, trees and forests improve the economic health of the nation and the state; and,

WHEREAS, in Illinois, there are over 170,000 private forest landowners and 100 sawmills that contribute to the Illinois forest-based economy, which exceeds \$4.5 billion annually, with 60 percent of the forestry related business producing lumber and wood products. Forest-based employment exceeds 68,000 workers and contributes nearly \$30 billion in annual sales volume to Illinois' economy; and,

WHEREAS, the Green industry, including Illinois urban and community forestry, has 9,500 businesses with about \$5 billion economic impact, and adds an average of \$315 million in state and local tax revenues. Additionally, the Christmas tree retail industry alone has an economic impact of \$9 million in Illinois; and,

PROCLAMATION

WHEREAS, the State of Illinois has 720,000 acres of Illinois private forests with a professional forest management plan, the stewards of which actively engage in the conservation and sustainable management of their private forest lands with over 95,000 acres and 1,107 landowners also enrolled in the Certified American Tree Farmers program in Illinois; and,

WHEREAS, the Shawnee National Forest, six State Forests, Illinois Forest Preserve Districts, and local parks and tree-lined streets provide outdoor recreational opportunities for Illinois citizens; and,

WHEREAS, nearly 200 Illinois communities participate in the TREE CITY USA program and are actively managing and preserving Illinois' urban and community trees and forests to provide a safe and healthy forest where people live; and by their efforts have diversified the tree species within their community forests and have provided a richer habitat for a greater diversity of bird species; and,

WHEREAS, the State of Illinois is proud to join the United Nations and the rest of the world in celebrating the importance, value and benefits of trees and forests on earth, in our country, in our state and our communities, and in our own backyards:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim 2011 as the **INTERNATIONAL YEAR OF THE FOREST** in Illinois, in recognition of the importance of trees and forests to our state, our nation, and the global community.

Issued by the Governor May 16, 2011

Filed by the Secretary of State May 20, 2011

2011-187
Missing Children's Day

WHEREAS, The Missing Children Act of 1982 was the first federal law to address this issue, and in 1983, President Ronald Reagan proclaimed the first National Missing Children's Day; and,

WHEREAS, May 25 has annually been declared National Missing Children's Day; and,

WHEREAS, there are 1,511 pending missing children under the age of 18 in the state of Illinois, which represents only a small percentage of children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and,

PROCLAMATION

WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and,

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the "Interstate Agreement on Missing and Exploited Children," and since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota, and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and,

WHEREAS, in 2002, the Illinois State Police implemented the America's Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and city, town, village, county, state, and federal law enforcement agencies in Illinois, of specific information regarding the abduction of a child whose life may be in danger. To date, AMBER Alert has been instrumental in recovering 37 Illinois missing children; and,

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 25, 2011 as **MISSING CHILDREN'S DAY** in Illinois, and encourage all citizens to observe this day by turning on porch lights and vehicle headlights to "LIGHT THE WAY HOME" for all missing children throughout the country.

Issued by the Governor May 16, 2011

Filed by the Secretary of State May 20, 2011

2011-188**Preeclampsia Awareness Day**

WHEREAS, preeclampsia is a dangerous condition of pregnancy that can, in its severest form, lead to maternal and/or infant mortality or premature birth with significant health risks for the mother and baby; and,

WHEREAS, more than 350,000 cases of preeclampsia are diagnosed in the United States every year, with 25 percent classified as severe; and,

PROCLAMATION

WHEREAS, every 6 minutes of every day in the U.S., a pregnant woman and her baby face life-threatening consequences because of preeclampsia; and,

WHEREAS, globally, preeclampsia and other hypertensive disorders of pregnancy are a leading cause of maternal and infant illness and death, with conservative estimates claiming these disorders are responsible for 76,000 maternal and 500,00 infant deaths each year worldwide; and,

WHEREAS, public awareness of the symptoms of preeclampsia (spikes in maternal blood pressure, sudden swelling of the face, feet and hands, severe upper abdominal pain and blurred vision) can help women recognize the condition and seek appropriate medical care; and,

WHEREAS, many citizens of Illinois have joined with the Preeclampsia Foundation to raise public awareness in order to minimize maternal and infant illness and death due to preeclampsia; and,

WHEREAS, along with the Preeclampsia Foundation, the State of Illinois envisions a world where preeclampsia no longer threatens the lives of mothers and babies:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22, 2011 as **PREECLAMPSIA AWARENESS DAY** in Illinois, and applaud the Preeclampsia Foundation's mission to reduce maternal and infant illness and death due to preeclampsia and other hypertensive disorders of pregnancy.

Issued by the Governor May 16, 2011

Filed by the Secretary of State May 20, 2011

2011-189**National Rosie the Riveter Day**

WHEREAS, National Rosie the Riveter Day is a collective national effort to raise awareness of the 16 million working women during World War II; and,

WHEREAS, it is important for Americans to honor female workers who contributed on the home front during World War II; and,

WHEREAS, these women left their homes to work or volunteer fulltime in factories, farms, shipyards, airplane factories, banks, and other institutions in support of the military effort overseas; and,

PROCLAMATION

WHEREAS, these women worked with the United Service Organizations (USO) or Red Cross, drove trucks, riveted airplane parts, collected critical materials, rolled bandages, and served on rationing boards, among other contributions; and,

WHEREAS, it is right and proper to recognize and preserve the history and legacy of working women, including volunteer women, during World War II to promote cooperation and fellowship among such women and their descendents; and,

WHEREAS, these women and their descendents wish to further the advancement of patriotic ideals, excellence in the workplace, and loyalty to the United States of America:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 28, 2011 as **NATIONAL ROSIE THE RIVETER DAY** in Illinois, and encourage all citizens to honor these women who contributed to our country through their patriotism.

Issued by the Governor May 17, 2011

Filed by the Secretary of State May 20, 2011

2011-190**Leave No Child Inside Month**

WHEREAS, the State of Illinois is blessed with unparalleled natural beauty. From remote forests to urban parks, these spaces have inspired visitors for generations; and,

WHEREAS, these areas continue to lift the human spirit in all those who visit them but unfortunately, today's children spend an inadequate amount of time outdoors; and,

WHEREAS, the observance of Leave No Child Inside Month during the month of June was launched with the goal to get more children outside and to increase the amount and quality of time that they spend there; and,

WHEREAS, June of each year is also designated as Great Outdoors Month to highlight the numerous benefits of active fun outdoor activities and the magnificent shared resources of our parks, forests, refuges, and other public lands and waters; and,

WHEREAS, the people of Illinois wish to renew their commitment to protecting our environment so that we can leave our children and grandchildren a healthy and flourishing land; and,

PROCLAMATION

WHEREAS, June opens the active summer vacation and recreation season. Through recreational activities such as fishing, skiing, biking and nature watching, we can teach our young people about the wonders of our state's landscapes; and,

WHEREAS, enjoying the outdoors is a fun and healthy way for families to spend quality time together. Experiencing Illinois' natural splendor contributes to happier and healthier lives for our citizens and a deeper appreciation for the great outdoors; and,

WHEREAS, participation in outdoor activities in natural settings has been shown to increase self-esteem, decrease Attention-Deficit Disorder symptoms, and contribute to the emotional and physical development of children; and,

WHEREAS, promoting a culture in which children enjoy, and are encouraged, to be outside in nature results in healthier children who have a sense of connection to their environment, and in turn become supporters and stewards of local nature themselves; and,

WHEREAS, through grants for park development and land acquisition projects, the State of Illinois is committed to strengthening the fabric of local communities and providing opportunities for children to go outdoors; and,

WHEREAS, throughout the month of June, the Illinois Department of Natural Resources is partnering with local community organizations to host a variety of events across the state to encourage youth to be outdoors, including experiences in camping, archery, climbing, fishing, bird watching, plant and animal identification, and fort building:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **LEAVE NO CHILD INSIDE MONTH** in Illinois, and encourage all citizens, in particular children, to go outside and explore and enjoy the outdoors.

Issued by the Governor May 17, 2011

Filed by the Secretary of State May 20, 2011

2011-191
Oncology Month

WHEREAS, following heart disease, cancer is the second leading cause of death in the United States; and,

WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and,

PROCLAMATION

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and approximately 1.4 million new cancer cases will be diagnosed this year; and,

WHEREAS, the American Society of Clinical Oncology (ASCO) is a non-profit organization founded in 1964, with overarching goals of improving cancer care and prevention and ensuring that all patients with cancer receive care of the highest quality; and,

WHEREAS, nearly 28,000 oncology practitioners belong to ASCO, representing all oncology disciplines (medical, radiation, and surgical oncology) and subspecialties. Members include physicians and health-care professionals participating in approved oncology training programs, oncology nurses, and other practitioner's with a predominant interest in oncology; and,

WHEREAS, as the world's leading professional organization representing physicians who treat people with cancer, ASCO is committed to advancing the education of oncologists and other oncology professionals, advocating for policies that provide access to high-quality cancer care, and supporting the clinical trials system and the need for increased clinical and translational research:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **ONCOLOGY MONTH** in Illinois, in recognition of the dedicated healthcare professionals who treat people with cancer.

Issued by the Governor May 17, 2011

Filed by the Secretary of State May 20, 2011

2011-192
Child Life Specialist Day

WHEREAS, child life specialists are trained professionals who have strong backgrounds in child development and family systems, who promote effective coping for children facing a broad range of challenging experiences, particularly those related to healthcare and hospitalization, through play, preparation, education, and family support; and,

WHEREAS, these dedicated professionals are represented by the Child Life Council, a nonprofit organization established in 1982, with a membership of nearly 4,000 individuals representing more than 600 organizations worldwide; and,

WHEREAS, the Child Life Council membership is composed of child life specialists and assistants, university educators and students, hospital administrators and staff, school teachers,

PROCLAMATION

therapeutic recreation specialists, and others, who work every day to better the lives of young children, and their families; and,

WHEREAS, the Child Life Council will hold its 29th Annual Conference on Professional Issues in Chicago, Illinois on May 26-29 of this year; and,

WHEREAS, the conference will bring more than 1,000 dedicated child life professionals from across the country and around the world to our great state; and,

WHEREAS, Illinois is a hub for child life practice and teaching with more than 20 child life programs located in the state; and,

WHEREAS, the child life profession has been improving the healthcare experiences for countless children and exemplifying family-centered care for over 80 years:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 27, 2011 as **CHILD LIFE SPECIALIST DAY** in Illinois, in recognition of the contributions of these trained professionals and their efforts on behalf of children and families throughout the Land of Lincoln.

Issued by the Governor May 17, 2011

Filed by the Secretary of State May 20, 2011

2011-193**Thomas Rees Memorial Carillon Week**

WHEREAS, this year will mark the 50th anniversary of the Thomas Rees Memorial Carillon in Washington Park, Springfield, Illinois; and,

WHEREAS, the Thomas Rees Memorial Carillon is named after Thomas Rees, publisher of the *State Journal Register* from 1881 until his death in 1933. Rees traveled extensively, and while in Europe became interested in the carillon as a musical instrument and the art of playing bell music; and,

WHEREAS, Thomas Rees thought the people of Springfield deserved a carillon like the European cities he saw in his travels, so he bequeathed the Springfield Park District with a trust fund of \$200,000 for the construction and maintenance of a carillon and tower. The completed instrument was dedicated in June of 1962; and,

PROCLAMATION

WHEREAS, the Thomas Rees Memorial Carillon, the 5th largest carillon in the world, and one of only a few open to the general public, consists of an open tower in which 67 cast bronze bells hang with a total weight of 82,753 pounds; and,

WHEREAS, the bells, which cover a range of 5 1/2 chromatic octaves, are played manually by a keyboard located in the carillonneur's cabin; and,

WHEREAS, the Thomas Rees Memorial Carillon is now internationally renowned, and draws carillonneurs and fans of carillons and bell music from around the world for the annual International Carillon Festival. This year also marks the 50th anniversary of the International Carillon Festival; and,

WHEREAS, over these past fifty years, the Thomas Rees Memorial Carillon has been supported by the Rees Carillon Society and the Carillon Belles, both organizations dedicated to the preservation and promotion of the carillon for the enjoyment of the community; and,

WHEREAS, on June 5-12 of this year, the Thomas Rees Memorial Carillon will play host to the 50th Annual International Carillon Festival during its 50th Anniversary year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 5-12, 2011 as **THOMAS REES MEMORIAL CARILLON WEEK** in Illinois, in recognition of the 50th anniversary of this important cultural treasure for our state.

Issued by the Governor May 17, 2011

Filed by the Secretary of State May 20, 2011

2011-194
Silk Road Week

WHEREAS, the Silk Routes, widely referred to as Silk Road, are a collection of trade routes connecting the Asian, African and European continents, creating an international trade network that is still in use today; and,

WHEREAS, the Silk Road served as an international conduit for the exchange of knowledge, ideas, and cultures and at the height of its employ, united diverse groups from all over the world; and,

WHEREAS, trade on the Silk Road was a major factor in the economic and cultural development of some of the great ancient civilizations of China, India, Egypt, Persia, Arabia and Rome and also helped to lay the groundwork for our modern world; and,

PROCLAMATION

WHEREAS, it was this collection of routes that Christopher Columbus sought to expand when he discovered the New World; and,

WHEREAS, the Silk Road has changed dramatically in the last decade from camel trade routes to ever-expanding highways, railways, gas and oil pipelines and airports; and,

WHEREAS, the Central Asian Productivity Research Center, in cooperation with the Northern Illinois University College of Business, World Trade Center Illinois, and the Turkish American Chamber of Commerce and Industry-Midwest will host the 6th Annual Silk Road Conference in Chicago on Wednesday, July 20th; and,

WHEREAS, the purpose of this conference is to focus attention on the geopolitical aspects of Central Asia and the Silk Road region, and to highlight the region's expanding economic development, its growing business opportunities and its importance to the global economy; and,

WHEREAS, this year's theme of "Global Energy Security", an important issue to all nations and primary concern for G-20 states, will be discussed and presentations will focus on business growth resulting from expanding energy economies; and,

WHEREAS, in an increasingly interconnected world, global cooperation is more important than ever; and,

WHEREAS, in this global economy, the State of Illinois is committed to working together in trade and economic cooperation with all nations to ensure Illinois stays up to speed with the fast moving globalized world:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 17-23, 2011 as **SILK ROAD WEEK** in Illinois, and encourage entrepreneurs, businesses, service providers, manufacturers, distributors and students to discover the expanding opportunities in international trade and economic development.

Issued by the Governor May 18, 2011

Filed by the Secretary of State May 20, 2011

ILLINOIS ADMINISTRATIVE CODE
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