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December 13, 2013 Volume 37, Issue 50

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

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

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

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 October 15, 2013 to January 2, 2014.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Physical Therapy Act
- 2) Code Citation: 68 Ill. Adm. Code 1340
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1340.20	Amend
1340.30	Amend
1340.40	Amend
1340.50	Amend
1340.55	Amend
1340.57	Amend
1340.60	Amend
1340.61	Amend
1340.65	Amend
1340.70	Amend
- 4) Statutory Authority: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are primarily clean up. The CE requirements for PTs and PTAs will in the future include at least 3 hours on the ethical practice of physical therapy, and may also include up to 5 hours of skills certification courses such as Basic Life Support or CPR. References to "Committee" have been changed to "Board", and the Code of Ethics has been updated. Additional clean up changes have been made and other changes made to reflect standard Department language and procedures.
- 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 rulemakings on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: 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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Physical therapists and/or physical therapist assistants regulated under the Act may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Please see the new and revised requirements that follow in the proposed amendments to this Part.
 - C) Types of professional skills necessary for compliance: Physical therapy skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1340

ILLINOIS PHYSICAL THERAPY ACT

Section

1340.15	Application for Licensure Under Section 8.1 of the Act (Grandfather) (Repealed)
1340.20	Approved Curriculum
1340.30	Application for Licensure on the Basis of Examination
1340.40	Examination
1340.50	Endorsement
1340.55	Renewals
1340.57	Fees
1340.60	Restoration
1340.61	Continuing Education
1340.65	Unprofessional Conduct
1340.66	Advertising
1340.70	Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; recodified from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 8030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended at 16 Ill. Reg. 3175, effective February 18, 1992; amended at 17 Ill. Reg. 14606, effective August 27, 1993; amended at 20 Ill. Reg. 10678, effective July 26, 1996; amended at 23 Ill. Reg. 11970, effective September 17, 1999; amended at 24 Ill. Reg. 567, effective December 31, 1999; amended at 26 Ill. Reg. 11953, effective July 18, 2002; amended at 28 Ill. Reg. 16252, effective December 2, 2004; amended at 38 Ill. Reg. _____, effective _____.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section 1340.20 Approved Curriculum

- a) In determining whether an applicant's curriculum should be approved, the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall take into consideration, but not be bound by, accreditation of the applicant's school by the Commission on Accreditation in Physical Therapy Education (CAPTE).
- b) The ~~Department of Financial and Professional Regulation-Division of Professional Regulation (Division)~~ shall, upon the recommendation of the Physical Therapy Licensing and Disciplinary ~~Board (Board) Committee (the Committee)~~, approve an applicant's physical therapist curriculum if it meets the following minimum criteria:
- 1) The school from which the applicant was graduated:
 - A) Is legally recognized and authorized by the jurisdiction in which it is located to confer a physical therapy degree; and
 - B) Has a faculty ~~that comprises a~~ sufficient ~~number of full-time instructors~~ to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions; and
 - C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 2) Prior to January 1, 2002, the applicant's curriculum shall have a minimum of 120 semester hours which shall include a minimum of 50 semester hours credit in general education and at least the following subject areas in professional education (a minimum of 57 semester hours required):
 - A) Basic Health Sciences
 - i) Anatomy
 - ii) Physiology

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- iii) Pathology
 - iv) Kinesiology
 - v) Neurology
 - vi) Psychology
- B) Clinical Sciences to include, but not limited to the major areas of:
- i) Medicine
 - ii) Surgery
 - iii) Physical therapy theory and application, including therapeutic exercise, evaluation procedures, physical agents, mechanical modalities, electrotherapy, massage, orthotics and prosthetics, and professional issues
- C) Clinical Education – a minimum of 800 clock hours.
- 3) Applicants graduating after January 1, 2002 must have a minimum of a master's degree in physical therapy.
- 4) ~~No course in which the applicant received a grade lower than a C will be accepted for coursework.~~
- ~~c)b)~~ The Division shall, upon the recommendation of the Board Committee, approve an applicant's physical therapist assistant curriculum if it meets the following minimum criteria:
- 1) The school from which the applicant was graduated:
 - A) Is legally recognized and authorized by the jurisdiction in which it is located to offer a physical therapist assistant curriculum that leads to an associate degree;
 - B) Has a faculty ~~that comprises a~~ sufficient ~~number of full-time~~

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~~instructors~~ to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions;

C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

2) The applicant's curriculum includes at least the following subject areas in professional education (a minimum of 29 semester hours required):

A) Basic Health Sciences

i) Anatomy and physiology

ii) Pathology

iii) Psychology

iv) Kinesiology

B) Clinical Sciences to include, but not be limited to, the major areas of:

i) Medicine and surgery

ii) Applied physical therapy science, including gross evaluation techniques, physical agents, mechanical modalities, therapeutic exercise, electrotherapy, massage, and professional issues

C) Clinical Education – a minimum of 600 clock hours.

3) No course in which the applicant received lower than a C will be accepted for coursework.

e) ~~In determining whether an applicant's curriculum should be approved, the Division shall take into consideration, but not be bound by, accreditation of the~~

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~~applicant's school by the Commission on Accreditation in Physical Therapy Education (CAPTE).~~

d) Recommendation of Approval

- 1) The Division, upon the recommendation of the ~~Board~~Committee, has determined that the curricula of all physical therapist and physical therapist assistant programs accredited by CAPTE as of January 1, 1996, meet the minimum criteria set forth in subsections ~~(ba)~~ and ~~(cb)~~ and are, therefore, approved.
- 2) In the event of a decision by ~~CAPTE~~the above accrediting body to ~~deny or suspend~~, withdraw ~~or revoke~~ accreditation of any physical therapist or physical therapist assistant program, the ~~Board~~Committee shall proceed to evaluate the curriculum and either approve or disapprove it in accordance with subsections ~~(b) and (c)(a) and (b)~~.

e) Graduates from Outside the United States

- 1) A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the ~~Board~~Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States. The credentialing service must have a physical therapist consultant on its staff. The ~~Board~~Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the ~~Board~~Committee to be acceptable. A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) ~~and the Test of Spoken English (TSE)~~.
- 2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her ~~credentials~~degree evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States. The Board recognizes the Foreign Credentialing Commission of Physical Therapy,

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~~Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable or its territories pursuant to Section 1340.20(b).~~ A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) ~~and the Test of Spoken English (TSE).~~

- 3) An individual who is deficient in course work may complete the required courses at a regionally accredited college or university within the United States or its territories. The individual will be required to submit an official transcript from the program indicating successful completion of the course and a course description. A passing CLEP (College Level Examination Program) test score is also acceptable in satisfying a deficiency requirement.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.30 Application for Licensure on the Basis of Examination

- a) An applicant for a physical therapist license by examination shall file an application on forms supplied by the Division. The application shall include:
- 1) ~~A complete work history indicating all employment since graduation from a physical therapist program;~~ 2) Certification of graduation from successful completion of a physical therapist program, signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university, which meets the requirements set forth in Section 1340.20 ~~of this Part;~~ and
 - 2)3) The required fee specified in Section 1340.57 ~~of this Part.~~
- b) An applicant for a physical therapist assistant license by examination shall file an application on forms supplied by the Division. The application shall include:
- 1) ~~A complete work history indicating all employment since graduation from a physical therapist assistant program;~~ 2) Certification of graduation from a physical therapist assistant program and attainment of a minimum of an associate's degree signed by the director of the Physical Therapist Program

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or other authorized school official and bearing the seal of a school that meets the requirements set forth in Section 1340.20 ~~of this Part~~; and

~~2)3)~~ The required fee specified in Section 1340.57.

- c) If supporting documentation for the application is not in English, a certified translation must be included.
- d) Graduates from Outside the United States
- 1) A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the ~~Board~~Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). The credentialing service must have a physical therapist consultant on its staff. The ~~Board~~Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the ~~Board~~Committee to be acceptable.
 - 2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her ~~credentials~~degree evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable~~A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE).~~
- e) An applicant shall have 60 days after approval of the application to take the examination. If the examination is not taken ~~on the authorized test date~~within those 60 days, the examination fee is forfeited and the applicant shall resubmit the required examination fee to Continental Testing Services, Inc. An applicant who

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fails to take the examination ~~on the authorized test date~~~~within 60 days~~ shall forfeit his/her right to work as a physical therapist or physical therapist assistant until the examination is passed.

- f) If the applicant has ever been licensed/registered in another state or territory of the United States, he/she shall also submit a certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:
- 1) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction;
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- g) An applicant for a license, who has successfully completed the examination recognized by the Division in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) and have the examination scores submitted to the Division by the reporting entity.
- h) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the ~~Board~~~~Committee~~ because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the ~~Board~~~~Committee~~ to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- i) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 2 of the

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Act. Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant, license pending, until the letter of authorization is received from the Division.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.40 Examination

- a) The examination for a physical therapist license shall be the [National Physical Therapy Examination \(NPTE\) of the Federation of State Boards of Physical Therapy](#) ~~examination~~ for physical therapists.
- b) The examination for a physical therapist assistant license shall be the [National Physical Therapy Examination \(NPTE\) of the Federation of State Boards of Physical Therapy](#) ~~examination~~ for physical therapist assistants.
- c) The passing grade on the physical therapy and physical therapist assistant examination shall be a scaled score of 600. The scores shall be submitted to the [Division](#) ~~Department~~ from the testing entity.
- d) An applicant who has 3 failures of the examination shall be ineligible to retake the examination [in Illinois](#) until such time as he/she submits certification of remedial training on forms supplied by the Department, to the Committee that, subsequent to the third failure, the applicant has successfully completed a structured clinical training program of not less than 3 months on a full-time basis. The training shall be under the direct, on site, personal supervision of a licensed physical therapist, as approved by the Committee.
- e) Any person licensed in Illinois as a physical therapist or physical therapist assistant shall not be admitted to the examination. However, in no way shall this provision limit the [Division's](#) ~~Department's~~ ability to require reexaminations for restoration or enforcement purposes.
- f) The provisions of this Section shall apply to all applicants regardless of where the applicant is in the application process.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 1340.50 Endorsement

- a) An applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement, shall file an application with the Division, on forms provided by the Division, which shall include:
- 1) Certification, on forms provided by the Division, of successful completion of an approved physical therapist or physical therapist assistant program in accordance with Section 1340.20;
 - 2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or pending, and the applicant's license number;
 - 3) The Division may waive the TOEFL ~~and TSE~~ examination for individuals who are licensed and have been actively practicing in another jurisdiction for 3 years prior to the date of application for licensure in Illinois;
 - 4) A report of the applicant's examination record forwarded directly from the test reporting service; ~~and~~
 - 5) ~~Complete work history since graduation from the physical therapist or physical therapist assistant program; and 6)~~ The required fee specified in Section 1340.57.
- b) Graduates from Outside the United States
- 1) A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the ~~Board~~Committee, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories. The credentialing service must have a physical therapist consultant on its staff. The ~~Board~~Committee recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the ~~Board~~Committee to be acceptable.

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A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) ~~and the Test of Spoken English (TSE).~~

- 2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her ~~credentials~~ ~~degree~~ evaluated by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States. The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable or its territories pursuant to Section 1340.20(b). A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) ~~and the Test of Spoken English (TSE).~~
- 3) Applicants who were licensed in another state between August 1, 1996 and September 1, 1999 will have their curriculum reviewed on an individual basis. All programs previously approved by the Division will no longer be considered approved.

- c) The Division shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.
- d) ~~Applicants who were licensed in another state between August 1, 1996 and September 1, 1999 will have their curriculum reviewed on an individual basis. All programs previously approved by the Division will no longer be considered approved.~~ e) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.
- e)f) When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Division that the application is complete, the applicant may practice in Illinois for one year or until

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licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.55 Renewals

- a) Every physical therapy license issued under the Act shall expire on September 30 of each even numbered year. Every physical therapist assistant license issued under the Act shall expire on September 30th or each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee and completing continuing education in accordance with Section 1340.61.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to renew a license or pay the renewal fee.
- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 31 of the Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.57 Fees

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

- a) Application Fees
 - 1) The fee for application for a license as a physical therapist or physical therapist assistant is \$100. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of

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the examination fee.

- 2) The fee for application as a continuing education sponsor is \$500. Illinois State colleges and universities and Illinois State agencies are exempt from payment of this fee.

b) Renewal Fees

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of continuing education sponsor approval is \$250 for the renewal period.

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, but not to exceed \$200.
- 2) The fee for restoration of a license from inactive status is the current renewal fee.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as physical therapists or physical therapist assistants in this State shall be the actual cost of producing the

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roster.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.60 Restoration

- a) ~~Any~~A person ~~seeking applying for~~ restoration of a license ~~that which~~ has ~~been~~ expired or ~~been~~ placed on inactive status for more than 5 years shall file an application, ~~on forms supplied by with~~ the ~~Division, together~~Department ~~along~~ with the ~~fee~~ required ~~by Section 1340.57 and proof of having met the continuing education requirements of Section 1340.61. Continuing education must be completed during the 24 months preceding application for restoration. In addition, the applicant~~fee ~~and~~ shall ~~also~~ do one of the following:
- 1) Submit certification of current licensure from another state or territory completed by the appropriate state board, and show proof of current active practice; or
 - 2) Submit an affidavit attesting to military service as provided in Section 15 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 15 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
 - 3) Pass the examination set forth in Section 1340.40; or
 - 4) Submit evidence of recent attendance at educational programs in physical therapy, including attendance at college level courses, ~~professionally oriented continuing education classes~~, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in his/her field. The ~~Division~~Department will accept:
 - A) For an applicant whose license has lapsed 5 to 10 years, 160 contact hours of clinical training under the supervision of a licensed physical therapist ~~or 20 hours of continuing education relating to the clinical aspects of physical therapy or any combination thereof~~ approved by the ~~Board~~Committee.
 - B) For an applicant whose license has lapsed for 10 years or more,

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320 contact hours of clinical training under the supervision of a licensed physical therapist ~~or 40 hours of continuing education relating to the clinical aspects of physical therapy, or any combination thereof~~ approved by the Board Committee.

- b) A person applying for restoration of a license that has expired for 5 years or less shall file an application with the Division Department and submit ~~\$20 plus all lapsed renewal~~ fees as specified in Section 1340.57. If application is made within 2 years after discharge from military service, and if all other provisions of Section 15 of the Act are satisfied, the applicant will be required to pay only the current renewal fee. A licensee seeking restoration of a license shall be required to submit proof of the required hours of continuing education in accordance with Section 1340.61. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.
- c) A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal. A licensee seeking restoration of a license shall be required to submit proof of the required hours of continuing education in accordance with Section 1340.61. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division Department or the Board Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board Committee to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts of information. Upon the recommendation of the Board Committee and approval by the Director of the Division with the authority delegated by the Secretary, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 1340.61 Continuing Education

a) Continuing Education Hour Requirements

- 1) ~~Every~~Beginning with the September 30, 2004 renewal and every renewal thereafter, every physical therapist shall complete 40 hours of continuing education (CE) relevant to the practice of physical therapy during each prerenewal period as a condition of renewal. Beginning with the September 2016 renewal, at least 3 hours of the 40 hours must include content related to the ethical practice of physical therapy.
- 2) ~~Every~~Beginning with the September 30, 2005 renewal and every renewal thereafter, every physical therapist assistant shall complete 20 hours of CE relevant to the practice of physical therapy during each prerenewal period as a condition of renewal. Beginning with the September 2017 renewal, as least 3 hours of the 20 hours must include content related to the ethical practice of physical therapy.
- 3) A prerenewal period is the 24 months preceding September 30 in the year of the renewal.
- 4) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of academic credit awarded.
- 6) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 7) Physical therapists and physical therapist assistants licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section. CE credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if the CE requirements in the other state are equivalent to the CE requirements in

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this Section.

- b) Approved Continuing Education
- 1) All CE activities shall be relevant to the advancement, extension and enhancement of providing patient/client management, including but not limited to physical therapy examination, evaluation, intervention, and prevention and providing physical therapy services or fulfilling the other professional roles of a physical therapist or physical therapist assistant. Courses not acceptable for the purpose of this definition include, but are not limited to, [personal](#) estate planning, [personal](#) financial planning, [personal](#) investments, and personal health.
 - 2) CE hours may be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c). Credit shall not be given for courses taken in Illinois from unapproved sponsors.
 - 3) CE may also be earned from the following activities:
 - A) Teaching a course for an approved CE sponsor or a CAPTE accredited PT or PTA program. An applicant will receive 2 hours of credit for each CE hour awarded to course attendees the first time the course is taught and 1 hour of credit for each CE hour the second time the same course is taught; no credit will be given for teaching the same course 3 or more times. A maximum of 50% of the total CE requirements may be earned through CE instruction. The applicant must be able to provide verification of unique content for each CE course taught via course goals, objectives, and outline.
 - B) American Board of Physical Therapy Specialties (ABPTS) Clinical Specialist Certification. An applicant will receive 40 hours of CE credit for the prerenewal period in which the initial certification is awarded.
 - C) APTA-approved post-professional clinical residency or fellowship. An applicant will receive 1 hour of CE credit for every 2 hours spent in clinical residency, up to a maximum of 20 hours. Clinical

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residency hours may not be used for CE credit if the applicant is also seeking [CE](#) credit for hours earned for post-professional academic coursework in the same prerenewal period.

- D) Professional research/writing. An applicant may receive CE credit for publication of scientific papers, abstracts, or review articles in peer-reviewed and other professional journals; publication of textbook chapters; and poster or platform presentations at conferences sponsored by any entity that has pre-approved status, up to a maximum of 50% of the total CE requirements:
- i) 15 hours for each refereed article.
 - ii) 3 hours for each non-refereed article, abstract of published literature or book review.
 - iii) 5 hours for each textbook chapter.
 - iv) 5 hours for each poster or platform presentation or review article.
- E) Self-study. A maximum of 50% of the total CE requirements may be earned through the following self-study activities:
- i) An applicant may obtain ~~up to 20 hours of~~ CE credit by taking correspondence or web-based courses from an approved CE sponsor. These courses shall include a test that must be passed in order to obtain credit.
 - ii) An applicant can receive ~~up to 5 hours of~~ CE credit for utilizing moderated teleconferences, [webinars](#), or [pre-recorded audio cassettes/videos of](#) professional presentations offered by approved sponsors. The applicant will be responsible for verifying purchase/registration for teleconferences or audio presentations.
 - iii) An applicant can receive ~~up to 5 hours of~~ CE credit for completion of published tests/quizzes based on APTA publications. The applicant will be responsible for

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verifying successful completion. (These publication-based tests/quizzes, typically offered for less than 1 hour of CE credit, are the only exception to the requirement that all approved CE activities must be at least 1 hour.)

- F) Journal clubs. Up to 5 hours of CE credit may be obtained for participation in a journal club. Credit will be earned based on actual hours of participation and must be verified with an attendance list and list of articles from peer-reviewed journals discussed at each meeting.
- G) Educational programs at Illinois Physical Therapy Association (IPTA) district meetings. Up to 5 hours of CE credit may be obtained for attendance at these programs. Credit will be earned based on actual hours of participation and must be verified with an attendance list and referenced presentation materials.
- H) Departmental inservices. Up to 5 hours of CE credit may be obtained for attendance at inservices at healthcare facilities or organizations. Credit will be earned based on actual hours of participation and must be verified with an attendance list and referenced presentation materials.
- I) Up to 5 CE hours may be earned for completion of skills certification courses. A maximum of 2 hours in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or other qualified organization may be accepted, while a maximum of 3 hours may be accepted for certification or recertification in Basic Life Support for Healthcare Providers (BLS), Advanced Cardiac Life Support (ACLS), or Pediatric Advanced Life Support (PALS) or their equivalent. ~~Professional leadership. Up to 5 hours of CE credit may be obtained for being a member of the Physical Therapy Licensing and Disciplinary Committee, an officer of the American Physical Therapy Association, Illinois Physical Therapy Association or the Federation of State Boards of Physical Therapy. Credit will be earned based on months of service with one hour of CE credit earned per 3 months of service.~~

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- J) Clinical instructor. Up to 5 hours of CE credit may be obtained by being a clinical instructor for either PT or PTA students. Credit will be earned based on hours of cumulative student clinical instruction, with 1 hour of CE credit per 120 student hours. CE credit hours for clinical instruction will be awarded by the student's academic institution.
- 4) CE will not be awarded for the following types of activities:
- A) Entry-level physical therapist or physical therapist assistant academic coursework.
 - B) Employee orientation programs or training completed as a condition of employment.
 - C) Professional meetings or conventions, other than educational programming by approved sponsors.
 - D) Committee meetings.
 - E) Work experience.
 - F) Individual scholarship, mass media programs or self-study activities not identified in subsection (b)(2)(E).
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
- A) American Physical Therapy Association and its components, including [programs and courses approved by](#) the Illinois Physical Therapy Association;
 - B) [Federation of State Boards of Physical Therapy, including programs, courses and activities approved through its ProCert program;](#)
 - ~~C)B)~~ Colleges, universities, or community colleges or institutions with physical therapist or physical therapist assistant education

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programs accredited by the Commission on Accreditation in Physical Therapy Education; for post-professional academic coursework, all regionally accredited colleges and universities would be approved sponsors; and

- ~~D)(E)~~ Any other person, firm, association, corporation, or group that has been approved and authorized by the Division pursuant to subsection (c)(2) ~~of this Section~~ upon the recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1) ~~D)(E)~~ shall file a sponsor application, along with the required fee set forth in Section 1340.57. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (b) and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(7)(A); and
 - C) That, upon request by the Division, the sponsor will submit evidence as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each licensed sponsor shall submit by September 30 of each even numbered year a sponsor application along with the renewal fee set forth in Section 1340.57. With the application the sponsor shall be required to submit to the Division a list of all courses and programs offered within the past 24 months, which includes a description, location, date and time the

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course was offered.

- 4) Each CE program by a licensed sponsor shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the Division upon written request.
- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of physical therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program; ~~and~~
 - D) Provide for a mechanism for the evaluation of the program by the participants; ~~and~~
 - E)6) ~~Be~~ All programs shall be open to all licensed physical therapists and physical therapist assistants and not be limited to the members of a single organization or a group; and
 - F) ~~Specify~~ and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 6)7) Certificate of Attendance by a Licensed Sponsor
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name and address of the participant;

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- iii) A detailed statement of the subject matter;
- iv) The number of hours actually attended in each topic;
- v) The date of the program;
- vi) Signature of the sponsor.

B) The sponsor shall maintain these records for not less than 5 years.

~~7)8)~~ The licensed sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.

~~8)9)~~ Upon the failure of a licensed sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Division receives reasonably satisfactory assurances of compliance with this Section.

d) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

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- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance for a minimum of 5 years.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Division a renewal application, the renewal fee set forth in Section 1340.57, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;

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- ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
 - 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.65 Unprofessional Conduct

- a) Pursuant to Section 17(1)(H) of the Act, unprofessional conduct in the practice of physical therapy shall include but not be limited to:
 - 1) The promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.
 - 2) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient or client.
 - 3) Revealing of personally identifiable facts, data or information about a patient or client obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law.
 - 4) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.
 - 5) Delegating professional responsibilities to a person when the licensee

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delegating such responsibilities knows or has reason to know that the person to whom the responsibilities were delegated is not qualified by training, experience, or licensure to perform them.

- 6) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed physical therapist.
 - 7) Overutilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.
 - 8) Making gross or deliberate misrepresentations or misleading claims as to professional qualifications or of the efficacy or value of the treatments or remedies given or recommended, or those of another practitioner.
 - 9) Gross and willful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.
 - 10) Failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.
 - 11) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading shall include, but not be limited to:
 - A) Advertising by means of testimonials, anecdotal reports of physical therapy practice successes or claims of superior quality of care to entice the public; or
 - B) Advertising which contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements which play upon vanities or fears of the public or statements which promote or produce unfair competition.
- b) The Division hereby incorporates by reference the "Code of Ethics", [July 2010](#)~~June 2000~~, approved by the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria VA 22314, with no later amendments or

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editions.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1340.70 Granting Variances

- a) The Director may grant variances from ~~this Part~~these rules in individual cases ~~when~~where he or she finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the ~~Board~~Committee of the granting of the variance, and the reasons ~~for granting the variance~~therefor, at the next meeting of the ~~Board~~Committee.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Roofing Industry Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1460
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1460.5	Amend
1460.10	Amend
1460.11	Amend
1460.12	Amend
1460.20	Amend
1460.30	Amend
1460.40	Amend
1460.50	Amend
1460.60	Amend
1460.80	Amend
1460.90	Amend
- 4) Statutory Authority: Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking changes the renewal date to December 31 of odd-numbered years to allow for renewals to take place in the off-season for roofers. It also contains technical changes and updates.
- 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.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those using or offering the services of a roofing contractor.
 - B) Reporting, bookkeeping or other procedures required for compliance: Please see the new and revised requirements that follow in the proposed amendments to this Part.
 - C) Types of professional skills necessary for compliance: Training and/or experience in roofing is necessary for compliance

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1460

ILLINOIS ROOFING INDUSTRY LICENSING ACT

Section

1460.5	Definitions
1460.10	Application for a Roofing License
1460.11	Qualifying Party
1460.12	Examination for Qualifying Party
1460.20	Liability Insurance Requirements
1460.30	Bonding Requirements
1460.40	Renewals
1460.50	Restoration
1460.60	Cancellation of License
1460.70	Definition of Roofing (Repealed)
1460.80	Fees
1460.90	Granting Variances

AUTHORITY: Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 10284, effective July 1, 1985, for a maximum of 150 days; rules adopted at 10 Ill. Reg. 1237, effective January 3, 1986; amended at 11 Ill. Reg. 6246, effective March 18, 1987; transferred from Chapter I, 68 Ill. Adm. Code 460 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1460 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2946; amended at 25 Ill. Reg. 2085, effective January 22, 2001; emergency amendment at 27 Ill. Reg. 6363, effective April 10, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 14347, effective August 25, 2003; amended at 38 Ill. Reg. _____, effective _____.

Section 1460.5 Definitions

"Act" means the Illinois Roofing Industry Licensing Act [225 ILCS 335].

"Board" means the Roofing Advisory Board.

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"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation- Division of Professional Regulation with the authority delegated by the Secretary.

~~"Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization. A qualifying party does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.~~

"Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

"Roofing" means to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be licensed under the Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

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~~"Roofing" means to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be licensed under the Act.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.10 Application for a Roofing License

- a) Applications for a roofing license under the ~~Illinois Roofing Industry Licensing Act (the Act) [225 ILCS 335]~~ shall be submitted to the ~~Division~~Department of Professional Regulation ~~(the Department)~~ on forms provided by the ~~Division~~Department, along with the following documentation:
- 1) If you are a contractor who will be doing only residential roofing, mark on the application that you want a limited roofing license and submit the following:
 - A) Proof of liability insurance acceptable to the ~~Division~~Department as specified in Section 1460.20 ~~of this Part~~. Proof shall be a Certificate of Insurance;
 - B) Either:
 - i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois ~~Workers' Compensation~~Industrial Commission; or
 - ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation

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Insurance or Illinois Unemployment Insurance.

- C) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2). Proof shall be either a copy of the quarterly report (Form ~~UI 3/40UC1 or UC3~~) issued to the applicant by the Department of Employment Security or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;
 - D) Proof of a bond in the amount of \$10,000 pursuant to Section 1460.30 ~~of this Part~~;
 - E) Designation of a qualifying party; and
 - F) The required fee set forth in Section 1460.80.
- 2) If you are a contractor who will be doing residential, commercial and industrial roofing, mark on the application that you want an unlimited roofing license and submit the following:
- A) Proof of liability insurance acceptable to the ~~Division~~Department as specified in Section 1460.20. Proof shall be a Certificate of Insurance;
 - B) Either:
 - i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois ~~Workers' Compensation~~Industrial Commission; or
 - ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and

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the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance;

- C) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2). Proof shall be either a copy of the quarterly report (Form ~~UI 3/40U-C-1 or U-C-3~~) issued to the applicant by the Department of Employment Security or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;
 - D) Proof of a bond in the amount of \$25,000 pursuant to Section 1460.30;
 - E) Designation of a qualifying party; and
 - F) The required fee set forth in Section 1460.80.
- b) Any applicant for a limited or unlimited roofing license that is a partnership, corporation, business trust, or other legal entity shall provide the following information with the application:
- 1) For Corporations:
 - A) The name of the corporation and its business address, and the names of all members of the board of directors and officers;
 - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required; and

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- C) A copy of the authority to transact business under the Assumed Business Name Act [805 ILCS 405] issued by the Secretary of State for any assumed names of the corporation, if applicable.
- 2) For Partnerships:
- A) A copy of the signed and dated partnership agreement, the name of the partnership and its business address, and the names of all general partners; and
- B) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
- 3) For Limited Liability Companies or Limited Liability Partnerships:
- A) The name of the limited liability company or partnership, the business address and the members/partners of the company/partnership; and
- B) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name: A letter or certificate from the county clerk where an assumed name has been filed.
- c) No roofing license will be issued to any applicant without a designated qualifying party who has passed the examination set forth in Section 1460.12.
- d) A holder of a limited license who wants an unlimited license shall be required to submit an application for an unlimited license in accordance with subsection (a)(2).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.11 Qualifying Party

- a) Beginning July 1, 2003, all licensees shall have a designated qualifying party.

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- b) All licensees at renewal will be required to designate a qualifying party, who will not be required to take and pass the examination set forth in Section 1460.12. If, at any time thereafter, a licensee allows his/her license to lapse, or the qualifying party who was designated on or before July 1, 2003 terminates or is terminated, or his or her status as a qualifying party of a licensee is terminated, the licensee will be required to restore his or her license in accordance with Section 1460.50~~designate a qualifying party who has taken and passed the examination set forth in Section 1460.12.~~
- c) No person shall be named as a qualifying party for more than one licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:
- 1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party; or
 - 2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary. "Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.
- d) When a qualifying party is terminated or is terminating his or her status as a qualifying party of a licensee, the qualifying party and the licensee shall notify the Division~~Department~~ in writing of the termination within 30 business days.
- e) The licensee shall notify the Division~~Department~~ in writing within 30 business days after the termination of a qualifying party and shall supply the name and address of the newly designated qualifying party. If the qualifying party has not taken and passed the examination set forth in Section 1460.12, or the party to be named was not named as a qualifying party on or before July 1, 2003 by some licensee. the new qualifying party shall apply for examination pursuant Section 1460.12. The qualifying party will have 7 months to pass the examination. If the qualifying party has not passed the examination in the 7 months, the licensee shall designate a qualifying party who has passed the examination.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.12 Examination for Qualifying Party

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- a) An applicant for examination as a qualifying party shall file an application with the ~~Division~~Department, or its designated testing service, on forms provided by the ~~Division~~Department, and shall include any fee covering the cost of providing the examination. The application shall be submitted 60 days prior to examination, and shall include the name and license number of the roofing business for which he or she is the designated qualifying party, if applicable.
- b) Examination Information
- 1) The ~~Division~~Department shall administer 3 examinations:
 - A) Illinois Residential Roofing;
 - B) Illinois Commercial and Industrial Roofing; and
 - C) Illinois Residential, Commercial and Industrial Roofing.
 - 2) The examinations shall be administered a minimum of 4 times a year.
 - 3) An individual who has passed the Illinois Residential Roofing Examination who wants to be a qualifying party for an unlimited roofing contractor shall be required to take and pass the Illinois Commercial and Industrial Roofing Examination.
- c) Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the ~~Division~~Department or the designated testing service, shall result in the forfeiture of the examination fee.
- d) An applicant shall be required to complete the examination process within 3 years from date of application or the fee will be forfeited, and the applicant will be required to submit a new application and meet the requirements in effect at the time of reapplication.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.20 Liability Insurance Requirements

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- a) Each applicant for a certification as a roofing contractor shall obtain, and maintain for the duration of such certification, public liability and property damage insurance in the minimum amount and form specified below:
- 1) \$250,000 for each occurrence of property damage; and
 - 2) \$500,000 for each occurrence of personal injury or bodily harm.
- b) ~~This~~ policy shall provide that it cannot be cancelled except upon written notification to the ~~Division~~Department at least 30 days prior to the date of cancellation.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.30 Bonding Requirements

- a) Each applicant for a limited roofing license shall obtain, and maintain in force for the duration of the license, a continuous surety bond in the minimum amount of \$10,000. Each applicant for an unlimited roofing license shall obtain, and maintain in force for the duration of the license, a continuous surety bond in the minimum amount of \$25,000. The bond shall be issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois and shall be for the performance of all work undertaken by the applicant in the course of the applicant's roofing contracting business and for the payment of damages during the course of ~~that~~ work that may be sustained by reason of negligence, misconduct, or violation of any laws, ordinances, rules, regulations or building codes governing the work.
- b) The bond shall be executed on a form provided by the ~~Division~~Department or the bond provider.
- c) The bond shall state that it cannot be cancelled except upon written notification to the ~~Division~~Department at least 60 days prior to the date of cancellation.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.40 Renewals

- a) Each limited or unlimited roofing license shall expire on June 30 of odd-numbered years and

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must be renewed prior to that date. Beginning with the 2015 renewal and for all renewals thereafter, each limited or unlimited roofing license shall expire on December 31 of odd-numbered years and must be renewed prior to that date. Each application for renewal of a limited or unlimited roofing license shall be made on forms provided by the Division~~Department~~ and shall be accompanied by:

- ~~a)1)~~ a certifying statement that the holder of the license continues to comply with the requirements for insurance and bonding;
- ~~b)2)~~ the~~The~~ required fee set forth in Section 1460.80; and
- ~~c)3)~~ the name of the designated qualifying party.
- b) ~~For the June 30, 2003 renewal, a roofing contractor shall submit a renewal application on forms provided by the Department and shall:~~
 - 1) ~~designate on the application whether he/she wants a limited or unlimited roofing license;~~
 - 2) ~~designate a qualifying party as defined in Section 1460.11;~~
 - 3) ~~submit a \$10,000 continuous surety bond for a limited roofing license or a \$25,000 continuous surety bond for an unlimited roofing license that meets the requirements set forth in Section 1460.30;~~
 - 4) ~~submit a certifying statement that the holder of the license continues to meet the insurance requirements set forth in Section 1460.20; and~~
 - 5) ~~submit the required fee set forth in Section 1460.80.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.50 Restoration

- a) Applications for restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and shall be made to the Division~~Department~~ on forms provided by the Division~~Department~~ and shall include the following:

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- 1)a) Designation as either a limited or unlimited roofing contractor;
 - 2)b) Proof of insurance as required in Section 1460.20;
 - 3)e) Proof of continuous surety bond as required in Section 1460.30;
 - 4)d) The name of the designated qualifying party who has passed the examination set forth in Section 1460.12. ~~The Department shall not require an individual whose license has lapsed less than 90 days to sit for the examination;~~ and
 - 5)e) The required fee set forth in Section 1460.80.
- b) Applications for restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for more than 5 years shall have the license restored upon payment of all lapsed renewal fees and shall be made to the Department on forms provided by the Department and shall include the following:
- 1) Designation as either a limited or unlimited roofing contractor;
 - 2) Proof of insurance as required in Section 1460.20;
 - 3) Proof of continuous surety bond as required in Section 1460.30;
 - 4) The name of the designated qualifying party who has passed the appropriate examination set forth in Section 1460.12(b);
 - 5) The required fee set forth in Section 1460.80;
 - 6) One of the following:
 - A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or
 - B) An affidavit attesting to military service as provided in Section 60 of the Act; or

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C) Testing/Experience

i) Except as otherwise provided in subsection (b)(6)(C)(ii), proof of passage of one of the following examinations appropriate for the type of license being restored:

- The Illinois Residential Roofing;
- The Illinois Commercial and Industrial Roofing; and
- The Illinois Residential, Commercial and Industrial Roofing; or

ii) In lieu of submission of an examination referenced in subsection (b)(6)(C)(i), the person seeking restoration may submit proof of 6 months of lawful practice under the supervision of a licensed roofer. That practice shall be under a licensed roofer holding the same type of license, meaning unlimited or limited, as the person seeking restoration.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.60 Cancellation of License

- a) A limited or unlimited roofing license shall be cancelled, without hearing, by the ~~Division~~Department upon proof that the holder of the license has failed to maintain the insurance or bonding requirements. Proof shall be notice by the insurance company to the Department of insurance or bond cancellation.
- b) The holder of a cancelled license shall have the license reissued upon application

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to the ~~Division~~Department, on forms provided by the ~~Division~~Department, and upon proof that he/she has satisfied all insurance and bond requirements.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.80 Fees

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

a) Application Fees

- 1) The fee for application for an unlimited or limited roofing license is \$125.
- 2) Applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) Renewal Fees

The fee for the renewal of an unlimited or limited license shall be calculated at the rate of \$62.50 per year.

c) General Fees

- 1) The fee for the restoration of a non-renewed license is ~~\$50~~\$20 plus payment of all lapsed renewal fees, not to exceed ~~\$375~~\$250.
- 2) The fee for the issuance of a duplicate/replacement license issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate license is issued.
- 3) The fee for certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

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- 5) The fee for a roster of licensees shall be the actual cost of producing the roster.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1460.90 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or ~~she~~ finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance and the reasons for the variance at the next meeting of the Board.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1800.110	Amend
1800.310	Amend
1800.320	Amend
1800.610	Amend
1800.615	Amend
1800.650	Amend
1800.690	Amend
1800.1610	New
1800.1620	New
1800.1630	New
1800.1640	New
1800.1650	New
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1 et seq.], specifically Section 78 (a) (3) of that Act [230 ILCS 40/78 (a) (3)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Video Gaming (General) Part of the Illinois Administrative Code [11 Ill. Admin. Code 1800] by revising the language governing agreements for the placement of video gaming terminals, adding a new Subpart P providing for the establishment of a Video Gaming Board Exclusion List, and making corresponding changes to other portions of the video gaming rules. Following is a detailed summary of the rulemaking:

Definitions (Section 1800.110):

The definition of "use agreement" is amended to clarify that such agreements must comply with all of the requirements contained in Section 320, "Minimum Standards for Use Agreements" [11 Ill. Admin. Code 1800.320].

The "Video Gaming Board Exclusion List" is defined as the list established by new Subpart P of the video gaming rules.

Grounds for Disciplinary Actions (Section 1800.310):

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The rulemaking adds, as a grounds for disciplinary action against licensees, "engaging in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List which is connected with or affects, or can reasonably be expected to be connected with or affect, video gaming or gambling operations."

Minimum Standards for Use Agreements (Section 1800.320):

Clarifies that the Section applies to all agreements for the placement of video gaming terminals.

Requires that all use agreements, or other agreements for the placement of video gaming terminals, shall be entered into only with a licensed terminal operator which has been licensed by the Board at the time the agreement is signed.

Subpart F: Denials of Applications for Licensure:

This Subpart is renamed "Denials of Applications for Licensure, Placement on the Video Gaming Board Exclusion List, and Removals from the Video Gaming Board Exclusion List." Sections 1800.610, 1800.615, 1800.650, and 1800.690 are amended so that the hearing procedures currently applicable to contested denials of licenses shall now apply to contested placements on the Video Gaming Board Exclusion List and hearings on petitions for removal from the Video Gaming Board Exclusion List.

New Subpart P: Video Gaming Board Exclusion List:

The Video Gaming Board Exclusion List shall be maintained by the Board and updated promptly whenever a name is added or deleted. The list shall be published on the Board's website and distributed on request. The list shall include the following information for each included person:

- Full name and date of birth and all aliases;
- Effective date the person's name was placed on the list; and
- Other information deemed necessary by the Administrator.

Video gaming licensees (in all categories of licensure) shall not knowingly engage in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List, if that relationship is connected with or affects, or can be

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reasonably be expected to be connected with or affect, video gaming or gambling operations.

The Administrator or Board may place a person on the Video Gaming Board Exclusion List for any of the following reasons (which parallel the reasons for placement on the existing Riverboat Gambling Exclusion List established for riverboat gambling by Subpart G of 86 Ill. Admin. Code 3000):

- Conviction in any jurisdiction of a felony, crime involving gaming, crime of moral turpitude, or crime of dishonesty.
- Violation of the Video Gaming Act or rules, or the Riverboat Gambling Act or rules.
- Placement on the Riverboat Gambling Exclusion List.
- Performance of any act, or notorious or unsavory reputation, that would adversely affect public confidence and trust in gaming.
- Placement on any valid and current exclusion list from another jurisdiction in the United States.
- Indictment by a grand jury or prosecution for violating Section 35 of the Video Gaming Act (illegal ownership, possession or operation of VGTs), or a similar provision in another jurisdiction.
- Entering into contracts or other business arrangements with the intent to circumvent the provisions of the Act or the jurisdiction of the Board.

Following a notice by the Administrator or Board to place a person on the Video Gaming Board Exclusion List, that person may contest the placement under the existing procedures of Subpart F of the video gaming rules. Subpart F currently establishes procedures relating to contested denials of licenses. Under the rulemaking, the provisions of this subpart will now apply equally to contested placements on, and petitions for removal from, the Video Gaming Board Exclusion List.

Any person placed on the Video Gaming Board Exclusion List may petition for removal from the list after the expiration of one year from the date of initial placement, or the conclusion of any hearing or appeal associated with the placement (whichever date is

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later). The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition if it fails to comply with the required form (statement of specific facts, verification, and notarization), or if the facts contained in the petition are the same, or substantially the same, as the facts which formed the basis for initial placement on the list or a previous petition for removal. If the Board sets the petition for hearing, the procedures of Subpart F will apply. In ruling on a petition for removal from the list, the Board may consider the record of any evidence or testimony used by the Board in making its original placement determination or in denying a previous petition for removal, provided that the record shall not be reopened.

- 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 to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1800.570	Amendment	37 Ill. Reg. 14368, September 13, 2013
1800.820	Amendment	37 Ill. Reg. 14368, September 13, 2013
1800.830	Amendment	37 Ill. Reg. 14368, September 13, 2013

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: No public hearing on the proposed rulemaking is scheduled at the present time. Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Emily Mattison
 General Counsel
 Illinois Gaming Board
 160 North LaSalle Street
 Chicago, IL 60601

ILLINOIS GAMING BOARD

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Fax: 312/814-7253
emily.mattison@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: The rulemaking will affect businesses subject to the prohibitions of the new Video Gaming Board Exclusion List. It will prohibit businesses not licensed as terminal operators under the Video Gaming Act [230 ILCS 40] from entering into use agreements with licensed locations.
 - B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking authorizes the compilation and updating of a Video Gaming Board Exclusion List. The rulemaking will establish new classes of administrative hearings for individuals contesting placement on the Video Gaming Board Exclusion and petitioning for removal from this list.
 - C) Types of Professional skills necessary for compliance: Administrative law judges will conduct hearings regarding placements and removals from the Video Gaming Board Exclusion List.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

The full text of the proposed amendments is identical to that of the text of the emergency amendments for this Part, and begins on page 19882:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Wild Swine
- 2) Code Citation: 17 Ill. Adm. Code 700
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
700.10	New
700.20	New
700.30	New
700.40	New
700.50	New
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37, 3.5 and 3.22 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37, 3.5 and 3.22]
- 5) A Complete Description of the Subjects and Issues Involved: This Part contains the rules and regulations on wild swine in Illinois to protect wildlife, wildlife habitat and reduce property damage in Illinois.
- 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:

Julia Lawrence, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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One Natural Resources Way
Springfield IL 62702-1271

217/782-6899

- 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 two most recent agenda's because: The Department did not anticipate the need for this rulemaking at the time the agendas were published.

The full text of the proposed Rule begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 700
WILD SWINE

Section	
700.10	Purpose
700.20	Definition of Wild Swine
700.30	Unlawful Acts
700.40	Permits
700.50	Penalties

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37, 3.5 and 3.22 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.2, 2.2a, 2.3, 2.37, 3.5 and 3.22].

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

Section 700.10 Purpose

This Part has been established to govern the importation, possession, release into the wild, take, commercialization of take, sale and propagation of wild swine in Illinois as authorized by Section 2.2a of the Wildlife Code [520 ILCS 5/2.2a]. Nothing in this Part shall be construed to permit the Department to take action that hinders the operation of legitimate agricultural operations, the use of companion animals (see 510 ILCS 70/2.01a) or to criminalize the accidental escape of domestic swine.

Section 700.20 Definition of Wild Swine

Wild swine are defined as feral swine, Eurasian wild boar (*Sus scrofa*, including subspecies), and hybrids between feral swine and Eurasian wild boar. Populations or individuals of any swine that are unrestrained and have adapted to living in a wild or free-roaming environment are considered feral swine.

Section 700.30 Unlawful Acts

- a) Live wild swine shall not be possessed, propagated, bought, sold, bartered or offered to be bought, transported, traded, transferred or loaned to any other person

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or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 700.40. Temporary restraint of wild swine in a trap or transport before euthanizing is not considered possession. All live wild swine trapped or otherwise restrained must be killed and not released into the wild.

- b) Wild swine shall not be released into the wild, including intentional release of domesticated swine for the purposes of establishing a feral swine population or creating hunting opportunities. Chronic neglect of fencing for domestic swine that could result in the establishment of a population of wild swine is considered an intentional release. Release of wild swine is in violation of Section 2.2a and 2.3 of the Wildlife Code.
- c) It is illegal to hunt or shoot wild swine outside of established firearm, muzzleloader, late-winter antlerless and CWD deer seasons without the issuance of a permit (see 520 ILCS 5/2.37) by the Department or through a Department approved agreement for feral swine removal. Wild swine can legally be taken by firearm deer hunters, who are carrying a current and valid unfilled deer permit, the appropriate licenses and stamps to hunt deer, and are wearing the legal amount of orange, on private and Department-owned lands during the firearm, muzzleloader, late-winter antlerless and/or CWD seasons. All swine harvested during the firearm seasons must be reported to the Department. At all times, unless permitted by the Department to do so, it is illegal to trap, bait or chase (with dogs or otherwise) wild swine.
- d) No person (as defined in Section 1.2L of the Wildlife Code) shall provide or offer to provide, for compensation or other profit, outfitting or guide services for wild swine hunting in Illinois, in accordance with 17 Ill. Adm. Code 640.
- e) Commercial hunting enclosures for wild swine are prohibited.
- f) Possession of legally harvested, dead wild swine, including any meat or any part of the carcass or skin of wild swine is legal.

Section 700.40 Permits

- a) Application Requirements

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Permits to transport/possess wild swine may be issued by the Department of Natural Resources in accordance with Sections 2.2 and 3.22 of the Wildlife Code for scientific purposes, under the following provisions:

- 1) Medical or research institutions wishing to transport/possess wild swine must make application to the Department in writing, on forms provided by the Department, at the following address:

Illinois Department of Natural Resources
Office of Resource Conservation
Wildlife Division
One Natural Resources Way
Springfield IL 62702-1271

- 2) Applications must contain the following minimum information:
 - A) Name and address of medical or research institution;
 - B) Name, address and position of person making application;
 - C) Number of specimens for which permit is requested;
 - D) Explanation of the medical or research project necessitating need for permit;
 - E) A statement of the applicant's qualifications and previous experience in caring for and handling captive wildlife;
 - F) Time period for which permit is requested;
 - G) Location and description of facilities in which species will be kept; and
 - H) Any other information as requested by the Department, e.g., purpose of research, supplier of animals, and disposition of animals.

- b) Issuance Criteria

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The Department shall consider the following in determining whether to issue a permit to transport/possess wild swine for medical or scientific purposes:

- 1) Whether the request is for a legitimate medical or research purpose;
- 2) Whether the facilities for holding the specimens have been inspected and approved by the Department prior to issuance of a permit. Facilities must be constructed and maintained to prevent escape of the specimens; and
- 3) Whether the applicant is aware of the potential dangers to public interest posed by the wild swine and who, by reason of his/her knowledge, experience and facilities, can be expected to provide adequate protection of the public interests.

c) Permit Conditions

Permits issued for the transportation/possession of wild swine shall be subject to the following conditions:

- 1) All specimens and progeny of those specimens approved under the permit must be confined in the facilities and at the location approved on the permit.
- 2) Disposition of the specimens (including conditions under which they may be sold, traded, bartered or transferred to another permitted exhibition or institution) shall be as designated by the Department.
- 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit.
- 4) All permit holders shall file with the Department, no later than 30 days after the expiration of the permit, a report documenting disposition of all specimens.
- 5) In the event of escape or unintentional release of specimens or their progeny authorized under the permit, permittees shall notify the Department by telephone (1-877-236-7529, toll-free) or other expedient means within 24 hours following the escape, unless specifically exempted by the Department in writing.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULE

Section 700.50 Penalties

- a) Violations of Sections 2.2a and/or 2.3 of the Wildlife Code are Class A misdemeanors (see Section 3.5 of the Wildlife Code).
- b) Any violations of the Wildlife Code or administrative rules of the Department may result in the revocation of licenses and permits, and the suspension of privileges (see 17 Ill. Adm. Code 2530).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Adopted Action:
Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1(e), and 27
- 5) Effective Date of Rulemaking: November 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: September 20, 2013, 37 Ill. Reg. 15289
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between the Proposal and the Final Version: A table that appears in the Board's opinion and order of November 21, 2013 in docket R14-7 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 5, 2013, in docket R14-7. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendment.

The differences are limited to correction of the format of a chemical structural formula and revisions to the format of two citations to federal regulations. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.
- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendment appeared in the September 20, 2013 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 21, 2013 in docket R14-7, as indicated in item 11 above. See the November 21, 2013 opinion and order in docket R14-7 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of September 5, 2013, adopting amendments in docket R14-7, which opinion and order is available from the address below.

The R14-7 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. These amendments update the definition of to correspond with amendments to the corresponding definition of VOC in the federal regulations at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2013 through June 30, 2013. During this period, USEPA amended its definition of VOC as follows:

R14-7	Federal wastewater pretreatment amendments that occurred during the period January 1, 2013 through June 30, 2013.
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Tables appear in the Board's opinion and order of November 21, 2013 in docket R14-7 that list a limited correction that is numerous corrections and revisions that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 21, 2013 opinion and order in docket R14-7.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendment shall be directed to:
Please reference consolidated docket R14-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312/814-6924

Request copies of the Board's opinion and order of November 21, 2013 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted rulemaking begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

POLLUTION CONTROL BOARD

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211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

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211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

POLLUTION CONTROL BOARD

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211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

POLLUTION CONTROL BOARD

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211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

POLLUTION CONTROL BOARD

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211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

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211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

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211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

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211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

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211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln

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211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure

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211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat

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211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit

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211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System

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211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

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July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013.

SUBPART B: DEFINITIONS

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Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. USEPA has excluded the listed negligibly-reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (e) of this Section.

Acetone (2-propanone or dimethylketone)

Bis(difluoromethoxy)(difluoro)methane (CHF₂OCF₂OCHF₂ or HFE-236cal2)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (CHF₂OCF₂CF₂OCHF₂ or HFE-338pcc13)

tertiary-Butyl acetate

1-Chloro-1,1-difluoroethane (HCFC-142b)

Chlorodifluoromethane (CFC-22)

1-Chloro-1-fluoroethane (HCFC-151a)

~~2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)~~

Chlorofluoromethane (HCFC-31)

Chloropentafluoroethane (CFC-115)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

trans-1-chloro-3,3,3-trifluoroprop-1-ene

1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300, L-14787, or C₂F₅CF(OCH₃)CF(CF₃)₂)

1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee)

Dichlorodifluoromethane (CFC-12)

1,1-Dichloro-1-fluoroethane (HCFC-141b)

3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)

1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

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1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-Difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
(Difluoromethoxy)(difluoro)methane (CHF₂OCHF₂ or HFE-134)
1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-
tetrafluoroethane (CHF₂OCF₂OCF₂CF₂OCHF₂ or HFE-43-10pccc)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂CFCF₂OCH₃)
Dimethyl carbonate
Ethane
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂CFCF₂OC₂H₅)
Ethylfluoride (HFC-161)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane
(HFE-7500)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane
(HFE-7500)
Ethylfluoride (HFC-161)
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (n-C₃F₇OCH₃ or HFE-7000)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
Methane
Methyl acetate
Methylene chloride (dichloromethane)
Methyl formate (CHOOCH₃)(~~HC₂OCH₃~~)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (C₄F₉OCH₃ or HFE-7100)
Parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc)
Pentafluoroethane (HFC-125)
1,1,2,2,3-Pentafluoropropane (HFC-245ca)
1,1,2,3,3-Pentafluoropropane (HFC-245ea)
1,1,1,2,3-Pentafluoropropane (HFC-245eb)
1,1,1,3,3-Pentafluoropropane (HFC-245fa)
Perchloroethylene (tetrachloroethylene)
Perfluorocarbon compounds that fall into the following classes:
Cyclic, branched, or linear, completely fluorinated alkanes

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Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

Propylene carbonate (4-methyl-1,3-dioxolan-2-one)

Siloxanes: cyclic, branched, or linear completely-methylated

1,1,2,2-Tetrafluoroethane (HFC-134)

1,1,1,2-Tetrafluoroethane (HFC-134a)

trans-1,3,3,3-Tetrafluoropropene (HFO-1234ze)

1,1,1-Trichloroethane (methyl chloroform)

Trichlorofluoromethane (CFC-11)

1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)

1,1,1-Trifluoro-2,2-dichloroethane (HCFC-123)

1,1,1-Trifluoroethane (HFC-143a)

Trifluoromethane (HFC-23)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, ~~subpart~~Subpart I or ~~appendix~~Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such

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determination is not reflected in any of the test methods in subsection (b)~~above~~.

- e) The following compound is VOM for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOM, and it must be uniquely identified in emission reports, but it is not VOM for the purposes of VOM emissions limitations or VOM content requirements: t-butyl acetate.

(Source: Amended at 37 Ill. Reg. 19824, effective November 27, 2013)

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- 1) Heading of the Part: Air Quality Standards
- 2) Code citation: 35 Ill. Adm. Code 243
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
243.107	Amend
243.108	Amend
243.120	Amend
243.122	Amend
243.Table A	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 10 and 27.
- 5) Effective date of Rulemaking: November 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rulemaking, including and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the *Illinois Register*: September 20, 2013; 37 Ill. Reg. 15314
- 10) Has JCAR issued a statement of objections to these rules? No
- 11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of November 21, 2013 in docket R14-6 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 5, 2013, in docket R14-6. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor, non-substantive revisions, including one change in citation format, addition of two commas, and one correction to spelling. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without

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deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the September 20, 2013 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 21, 2013 in docket R14-6, as indicated in item 11 above. See the November 21, 2013 opinion and order in docket R14-6 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of September 5, 2013, adopting amendments in docket R14-6, which opinion and order is available from the address below.

The R14-6 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. These amendments would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2013 through June 30, 2013. The Federal NAAQS are codified at 40 CFR 50. During this period, USEPA amended its NAAQSs as follows:

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January 15, 2013 (78 Fed. Reg. 3086)	USEPA adopted new 2012 primary 24-hour and annual average NAAQS for PM _{2.5} . USEPA further revised the interpretation of the NAAQS for PM _{2.5} .
June 27, 2013	USEPA updated the "List of Designated Reference and Equivalent Methods."

The Board has further included amendments based on two USEPA actions that occurred after July 1, 2013. Those two federal actions are described as follows:

July 3, 2013 (78 Fed. Reg. 40000)	USEPA amended appendix G to 40 C.F.R. 50 to establish a new federal reference method (FRM) for measuring lead in total suspended particulate matter for the purposes of the lead NAAQS.
August 5, 2013 (78 Fed. Reg. 47191)	USEPA made area designations for the 2010 NAAQS for sulfur dioxide.

Tables appear in the Board's opinion and order of September 20, 2013 in docket R14-6 that list a limited correction that is numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 21, 2013 opinion and order in docket R14-6.

- 16) Information and questions regarding these adopted amendments shall be directed to:
Please reference consolidated docket R14-6 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6924

Request copies of the Board's opinion and order of November 21, 2013 at 312/814-3620.

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Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted rulemaking begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule of Exceptional Event Flagging and Documentation Submission for New or Revised NAAQS

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10 and 27].

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SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R80-11, 46 PCB 125, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013.

SUBPART A: GENERAL PROVISIONS

Section 243.107 Reference Conditions

All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter, other than for particulate matter (PM_{2.5}) standards contained in Section 243.120(b), ~~and (c) and (d)~~ and lead standards contained in Section 243.126(b), are corrected to a reference temperature of 25° C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars). Measurements of PM_{2.5}, for purposes of comparison to the standards contained in Section 243.120(b), ~~and (c) and (d)~~, and lead, for purposes of comparison to the standards contained in Section 243.126(b), must be reported based upon the actual ambient air volume measured at the actual temperature and pressure at the monitoring site during the measurement period.

BOARD NOTE: Derived from 40 CFR 50.3 (~~2013~~2012).

(Source: Amended at 37 Ill. Reg. 19848, effective November 27, 2013)

Section 243.108 Incorporations by Reference

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

Government Printing Office (GPO), 732 Capitol Street NW, Washington DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov).
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (~~2013~~2012) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur

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Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 [\(2013\)](#), as amended at [78 Fed. Reg. 40000 \(July 3, 2013\)](#)~~(2012)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 [\(2013\)](#)~~(2012)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

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Appendix J to 40 CFR 50 ~~(2013)~~(2012) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 ~~(2013)~~(2012) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 ~~(2013)~~(2012) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 ~~(2013)~~, as amended at 78 Fed. Reg. 47191 (August 5, 2013)~~(2012)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 ~~(2013)~~(2012) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2013)~~(2012) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2013)~~(2012) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2013)~~(2012) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2013)~~(2012) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

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Appendix T to 40 CFR 50 ~~(2013)~~(2012) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Clean Air Act, 42 USC 7401 et seq. (2011) (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" ~~(June 27, 2013)~~(December 17, 2012) (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126 This reference includes, as an FEM, the former codified FRM that USEPA designated an FEM in the following ~~no~~ Federal Register ~~noticenotices~~ subsequent to June 27, 2013~~December 17, 2012 that updated List of Designated Methods~~.

78 Fed. Reg. 40000 (July 3, 2013) (designating the former FRM in appendix G of 40 CFR 50 as an FEM).

BOARD NOTE: The List of Designated Methods~~This document~~ is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 37 Ill. Reg. 19848, effective November 27, 2013)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM₁₀ and PM_{2.5}

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM₁₀.

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- 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM₁₀ is 150 µg/m³, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM₁₀ is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.
- 2) This subsection (a)(2) corresponds with 40 CFR 51.6(b), a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
- 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM₁₀, particulate matter must be measured in the ambient air as PM₁₀ by a method that fulfills either of the following requirements:
 - A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
 - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 ~~(2013)~~(2012). USEPA adopted 1997 primary NAAQS for PM₁₀ at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM₁₀ are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
 - 1) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is 65 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:

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- A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
 - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m³.
 - 3) The 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m³.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 ~~(2013)~~(2012). The 2006 primary and secondary annual average and 24-hour NAAQS for PM_{2.5} differs from the 1997 standards in that the 24-hour average concentration required by the 2006 standard is substantially lower (more stringent) than that for the 1997 standard. The Board has retained the 1997 standard in this subsection (b) because USEPA has retained the 1997 standard in 40 CFR 50.6.

- c) 2006 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
 - 1) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is 35 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:
 - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

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- B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m³.
- 3) The 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m³.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.13 ~~(2013)~~(2012).

d) 2012 Primary Annual Average and 24-Hour NAAQS for PM_{2.5}

- 1) The 2012 primary annual average NAAQS for PM_{2.5} is 12.0 µg/m³ annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM_{2.5} is 35 µg/m³ 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:
- A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
- B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2012 primary annual NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m³.
- 3) The 2012 primary 24-hour NAAQS for PM_{2.5} is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m³.

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BOARD NOTE: This subsection (d) is derived from 40 CFR 50.13 (2013).

(Source: Amended at 37 Ill. Reg. 19848, effective November 27, 2013)

Section 243.122 Sulfur Oxides (Sulfur Dioxide)

- a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO₂)).
 - 1) The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).
 - 2) The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).
 - 3) Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
 - 4) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18-, 19-, 20-, 21-, 22-, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-

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hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.

- 5) The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) remains applicable to all areas notwithstanding the promulgation of the 2010 primary one-hour NAAQS for sulfur oxides in subsection (c) of this Section. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after fulfillment of the conditions recited by USEPA in corresponding 40 CFR 50.4(e).

BOARD NOTE: Corresponding 40 CFR 50.4(e) recites that the 1971 primary NAAQS for sulfur oxides remains effective in two types of areas for which USEPA has not yet approved an implementation plan for attainment with the 2010 primary one-hour NAAQS for sulfur oxides. The first type of area is one that USEPA had designated as non-attainment for that standard as of the effective date of the 2010 primary one-hour NAAQS for the 1971 primary NAAQS for sulfur oxides as of the effective date of the 2010 NAAQS. That date was August 23, 2010. See 75 Fed. Reg. 35520 (June 22, 2010). As of that date, USEPA had not designated any area in Illinois as non-attainment. See 40 CFR 81.314 (2010). The Board is unaware of any USEPA SIP call for any area of Illinois relative to the 1971 primary NAAQS for sulfur oxides. ~~As of December 31, 2012, USEPA had not yet designated the attainment status of two areas in Illinois for the 2010 primary one-hour NAAQS for sulfur oxides on August 5, 2013, effective October 4, 2013. See 40 CFR 81.314 (2013)(2012) as amended at 78 Fed. Reg. 47191 (Aug. 5, 2013) (Lemont and Pekin areas). The 1971 primary annual average and 24-hour NAAQS for sulfur oxides will no longer apply to those two designated areas effective October 4, 2014; although the NAAQS will continue to apply to all other areas of Illinois after that date. The Agency recommended that USEPA designate limited areas of Illinois as non-attainment with the 2010 primary one-hour NAAQS. See letter of June 2, 2011 from Laurel Kroack, Chief, Bureau of Air, Agency, to Cheryl A. Newton, Director, Office of the Air and Radiation Division, USEPA Region 5 (available at http://www.epa.gov/so2designations/recletters/R5_IL_rec_wtechanalysis.pdf).~~ The 1971 primary annual average and 24-hour NAAQS for sulfur oxides will no longer apply to those two designated areas effective October 4, 2014; although the NAAQS will

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continue to apply to all other areas of Illinois after that date. When the conditions of this subsection (a)(5) have been fulfilled as to all areas of Illinois, or USEPA has removed 40 CFR 50.4, the Board will remove the standard of this subsection (a) as obsolete.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.4~~(2012)~~.

- b) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO₂).
- 1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).
 - 2) Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
 - 3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1) of this Section, this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.5~~(2012)~~.

- c) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO₂).
- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO₂.

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- 2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.17-(2012). The 1971 primary NAAQS for SO₂ remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) of this Section and the appended Board note.

(Source: Amended at 37 Ill. Reg. 19848, effective November 27, 2013)

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Section 243. TABLE A Schedule of Exceptional Event Flagging and Documentation Submission for New or Revised NAAQS

NAAQS (Level) Regulatory Citations	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
2006 24-hour PM _{2.5} (35 µg/m ³) Section 243.120(c)(1) 40 CFR 50.13(a) 71 Fed. Reg. 61144 (Oct. 17, 2006)	2004-2006	October 1, 2007	April 15, 2008
2008 eight-hour ozone (0.075 ppm) Section 243.125(c)(1) 40 CFR 50.15(a) 73 Fed. Reg. 16436 (Mar. 27, 2008)	2005-2007 2008 2009	June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first	June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first
2010 one-hour nitrogen oxides (as NO ₂) (100 ppb) Section 243.124(b) 40 CFR 50.11(b) 75 Fed. Reg. 6474 (Feb. 9, 2010)	2008 2009 2010	July 1, 2010 July 1, 2010 April 1, 2011	January 22, 2011 January 22, 2011 July 1, 2010
2010 one-hour sulfur oxides (as SO ₂) (75 ppb) Section 243.122(c)(1) 40 CFR 17(a) 75 Fed. Reg. 35520 (June 22, 2010)	2008 2009 2010 2011	October 1, 2010 October 1, 2010 June 1, 2011 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first	June 1, 2011 June 1, 2011 June 1, 2011 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first
<u>2012 annual PM_{2.5}</u> <u>(12 µg/m³)</u>	<u>2010 and</u> <u>2011</u>	<u>July 1, 2013</u> <u>July 1, 2013</u>	<u>December 12, 2013</u> <u>December 12, 2013</u>

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<u>Section 243.120(d)(1)</u> <u>40 CFR 50.18(a)</u> <u>78 Fed. Reg. 3086 (Jan. 15, 2013)</u>	<u>2012</u> <u>2013</u>	<u>July 1, 2014</u>	<u>August 1, 2014</u>
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BOARD NOTE: Derived from table 1 to 40 CFR 50.14(c) ~~(2012)~~. USEPA noted that the information in this table of revised deadlines only applies to data that USEPA will use to establish the final initial area designations for new or revised NAAQS. USEPA stated that the general schedule in this table applies for all other purposes, most notably, for data that USEPA will use for redesignations to attainment. Corresponding table 1 to 40 CFR 50.14(c)(2) includes a footnote "a" which indicates that the tabulated deadlines for event flagging and initial description for 2012 and 2013 data under the 2012 primary annual average NAAQS for PM_{2.5} are the same as those prescribed by 40 CFR 50.14 (corresponding with Section 243.105). The Board omitted those footnotes as unnecessary in the Illinois rules. Corresponding federal table 1 states that the 2012 primary annual average NAAQS for PM_{2.5} was "Promulgated December 14, 2012". Although the Administrator of USEPA signed adopted rule on that date, publication did not occur until January 15, 2013. See 78 Fed. Reg. 3086, 3276 (Jan. 15, 2013). The Board has used the Federal Register citation and date ~~cites the 2010 one-hour NAAQS for nitrogen oxides as "80-100 PPB, final level TBD" and the 2010 one-hour NAAQS for sulfur oxides as "80-100 PPB, final level TBD". The adopted 2010 one-hour NAAQS for NO_x at 40 CFR 50.11(f) is 100 ppb and the adopted 2010 one-hour NAAQS for SO₂ is 75 ppb. The Board has used the actual NAAQS for these contaminants in this Table A. Further, corresponding table 1 to 40 CFR 50.14(c) includes endnotes "a" and "b" indicate whether dates for NO₂ and SO₂ are changed or unchanged, which the Board has omitted, since endnotes will serve no purpose in the Illinois regulations.~~

(Source: Amended at 37 Ill. Reg. 19848, effective November 27, 2013)

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- 1) Heading of the Part: Rules of the Road – Persons With Disabilities Parking Program
- 2) Code Citation: 92 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1100.5	Amendment
1100.10	Amendment
1100.15	Amendment
1100.20	Amendment
1100.25	Amendment
1100.30	Amendment
1100.35	Amendment
1100.40	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2]
- 5) Effective Date of Rule: November 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, 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*: September 13, 2013, 37 Ill. Reg. 14609
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. 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? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of rulemaking: The adopted rulemaking updates the office's rules for the Persons With Disabilities Parking Program to reflect the changes made by PA 97-845, PA 97-918, PA 98-405, and PA 98-577.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

or

cleitner@ilsos.net

Phone: 217/785-3094

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1100

RULES OF THE ROAD – PERSONS WITH DISABILITIES PARKING PROGRAM
HANDICAPPED PARKING

Section

1100.5	Definitions
1100.10	Application Procedures for Plates and Decals or Devices
1100.15	Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices
1100.20	Person-with-Disabilities Parking Decals or Devices
1100.25	Random Professional License Number Checks with the Department of Financial and Professional Regulation- Division of Professional Regulation
1100.30	Corporations, School Districts, and Special Education Cooperatives
1100.35	Revocation of Plates and Decals or Devices
1100.40	Revocation Authority for Plates and Decals or Devices (Repealed)

AUTHORITY: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 74, effective February 29, 1980; codified at 6 Ill. Reg. 12703; amended at 9 Ill. Reg. 12868, effective August 2, 1985; amended at 12 Ill. Reg. 8448, effective May 2, 1988; old Part repealed and new Part adopted at 22 Ill. Reg. 2280, effective January 1, 1998; amended at 30 Ill. Reg. 917, effective January 6, 2006; amended at 37 Ill. Reg. 19866, effective November 27, 2013.

Section 1100.5 Definitions

"Affirmation by an authorized agent" means the agent for a corporation, school district or special education cooperative attests that the individuals being transported are qualified under [IVC Section 625 ILCS 5/1-159.1](#) and are permanently disabled (i.e., indefinitely subject to a physical disability or a developmental disability as defined in Section 4A(a) of the Illinois Identification Card Act [15 ILCS 335/4A(a)]).

"Authorized holder" means an individual issued a person-with-disabilities license plate under [IVC Section 625 ILCS 5/3-616](#) [or 3-609\(a\)](#), or an individual issued a

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person-with-disabilities parking decal or device under [IVC Section 625 ILCS 5/11-1301.2](#).

"Competent medical specialist" means a person affirming that the applicant for a person-with-disabilities license plate or decal or device is a disabled person in accordance with [IVC Section 625 ILCS 5/1-159.1](#). This person shall be licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, or a person specified in the Illinois Identification Card Act and the Illinois Vehicle Code, including *a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination* [625 ILCS 5/3-616(a)].

"Decal or device" means a ~~placard~~ described in Section 1100.10(a) that, when displayed in a vehicle, authorizes the parking of the vehicle in parking spaces reserved for the disabled, and authorizes other parking privileges as outlined in [IVC Sections 625 ILCS 5/11-1301.1 and 11-1301.2](#). "Decal or device" does not mean a sticker with adhesive backing which is permanently affixed to the vehicle.

["DFPR" means the Illinois Department of Financial and Professional Regulation.](#)

"False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the application for a person-with-disabilities license plate or parking decal or device that falsifies the content of the application.

"Fictitious person-with-disabilities license plate or parking decal or device" means any person-with-disabilities license plate or parking decal or device that has been issued by the Secretary ~~of State~~ or authorized unit of local government that was issued based upon false information contained on the required application.

"Fraudulent person-with-disabilities license plate or parking decal or device" means any person-with-disabilities license plate or parking decal or device that purports to be an official person-with-disabilities license plate or parking decal or device and has not been issued by the Secretary ~~of State~~ or an authorized unit of local government.

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"IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Metered-exempt decal or device", as that term is used in IVC Section 11-1301.2, means a decal or device that is issued by the Secretary to a natural person who, as determined by a licensed physician, physician assistant or advanced practice nurse, meets the criteria established under IVC Section 11-1301.2(c-5).

"Permanent disability" means a disability that affects an individual indefinitely as defined in the Illinois Identification Card Act [15 ILCS 335/4A].

"Person with disabilities" means a natural person who, as determined by a licensed physician: cannot walk 200 feet without stopping to rest; cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mmhg on room air at rest; uses portable oxygen; has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association (Classification of Functional Capacity and Objective Assessment of Patients with Diseases of the Heart, 7272 Greenville Avenue, Dallas, Texas, effective March 4, 1994, no subsequent dates and editions); or is severely limited in the person's ability to walk due to an arthritic, neurological, oncological or orthopedic condition.

"Secretary" means the Illinois Secretary of State.

"Temporary disability" means a disability that lasts up to six months and is not permanent in nature.

"Unlawfully altered person-with-disabilities license plate or parking decal or device" means any persons with disabilities license plate or parking decal or device issued by the Secretary ~~of State~~ or authorized unit of local government that has been physically altered or changed in such a manner that false information, which may include but shall not be limited to incorrect expiration date or incorrect decal or device number, appears on the license plate or parking decal or device.

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"While the person with disabilities is present", as that term is used in [IVC Section 625 ILCS 5/11-1301.1](#), means that the person with disabilities must either exit or enter the vehicle while the vehicle is parked in a designated person-with-disabilities parking area or in an area where parking meter time restrictions are waived. In other words, an able-bodied driver cannot drop off the person with disabilities at the entrance to a facility, park in a person-with-disabilities parking space, and then return to pick up the person with disabilities.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.10 Application Procedures for Plates and Decals or Devices

- a) If a person wishes to apply for a person-with-disabilities license plate, he/she must be [a](#) resident of the State of Illinois and shall submit the following to the Secretary-of State:
 - 1) The certification on a form prescribed by the Secretary-of State completed by the competent medical specialist and the applicant;
 - 2) The current registration card or a copy of the title if the vehicle is registered in the applicant's name or the title or the manufacturer's certificate of origin if the vehicle is not registered in the applicant's name; and
 - 3) The application form prescribed by the Secretary-of State and statutory fee as provided for in [IVC Section 5/3-806](#) of the [Certificates of Title and Registration of Vehicles Law of the Illinois Vehicle Code \[625 ILCS 5/3-806\]](#).
- b) If a person wishes to apply for a person-with-disabilities parking decal or device, he/she must be a resident of the State of Illinois, [must possess a valid Illinois driver's license](#), and shall submit the following to the Secretary-of State or authorized unit of local government:
 - 1) The certification form completed by the competent medical specialist and applicant unless the person has been issued a disabled veteran or person-with-disabilities license and has a certification form on file or the person has an Illinois [Person with a Disability](#) [Disabled Person's](#) ID card with a [1Aa](#) or [2Aa](#) classification as provided in Section [4A24](#) of the Illinois

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Identification Card Act; or

- 2) A copy of the individual's State of Illinois identification card, disabled veteran identification card, person-with-disabilities identification card, or State of Illinois Driver's License. In the case of a person with disabilities who is under the age of 18, the identification card number of the minor's parent or legal guardian may be submitted.
- c) The physician certification form shall contain the following items:
 - 1) The definition of a "person with disabilities" as outlined in [IVC Section 625 ILCS 5/1-159.1](#) and contained in Section 1100.5 [of this Part and the requirements for an applicant to qualify for the metered-exempt parking decal or device set forth in IVC Section 11-1301.2\(c-5\)](#);
 - 2) An indication from the competent medical specialist as to the qualifying disability;
 - 3) [An indication](#)Indication from the competent medical specialist whether the disability is permanent or temporary. If temporary, the competent medical specialist shall also indicate the anticipated duration of the disability (not to exceed 6 months). [If the disability is permanent, the competent medical specialist shall indicate whether the applicant meets the medical conditions required by IVC Section 1-159.1 for a metered-exempt parking decal or device](#);
 - 4) The certifying competent medical specialist's name, address, telephone number, professional license number, and signature;
 - 5) The applicant's name, address, telephone number, social security number, and driver's license number or State identification number;
 - 6) The ~~vehicle identification number and license~~ plate number for the one or two primary vehicles used to transport the person with disabilities; and
 - 7) The name, address, phone number, relationship to the disabled individual, and signature of the family member who is the owner of the vehicle upon which the person with disabilities relies for his/her mode of transportation, and that he/she does not own a vehicle in his/her name, if the vehicle is not

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owned by the applicant having the disability.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.15 Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices

- a) ~~Person-with-disabilities permanent parking decals or devices~~—The ~~Office of the Secretary of State~~ shall be the only authorized agent to issue person-with-disabilities permanent parking decals or devices. Additionally, the Secretary shall be the only authorized agent permitted to issue metered-exempt parking decals or devices.
- b) Person-with-disabilities temporary parking decals or devices may be issued by:
 - 1) Units of local government following the guidelines established by the ~~IVC Illinois Vehicle Code and this Code~~; or
 - 2) ~~The Office of the Secretary of State.~~

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.20 Person-with-Disabilities Parking Decals or Devices

- a) The decals or devices issued by State and local authorities according to the provisions of ~~IVC Section 625 ILCS 5/11-1301.2~~ shall be the following size, color, design, duration, and placement.
 - 1) Size – 3" x 9½" .
 - 2) Color – ~~Permanent, metered-exempt, Permanent~~ and temporary decals or devices shall be of differing distinctive and contrasting colors.
 - 3) Design, Placement, Manufacturing – The decal or device shall contain the international symbol of access, the registration number ~~for the decal or device~~, the expiration date ~~of the decal or device~~, and the name of the issuing agent. Decals shall be placed on the rearview mirror of the vehicle while the vehicle is parked in the person-with-disabilities parking space or metered space, and shall be removed while the vehicle is in motion. If the

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person is incapable of putting the decal or device on the rearview mirror because of his/her physical disability, the decal or device may be placed on the dashboard of the car in clear view.

- 4) Duration of the Temporary Decal or Device – Secretary ~~of State~~ Issue: Temporary decals or devices provided by the Secretary ~~of State~~ shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed six months. Recertification of disability is required upon application for renewal.
- 5) Duration of Temporary Decal or Device – Unit of Local Government Issue: Temporary decals or devices provided by units of local government shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed 90 days. Recertification of disability is required upon application for renewal.
- 6) Duration of Permanent Decal: ~~The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998.~~ The permanent decals or devices ~~issued on or after January 1, 1998 shall expire every four years beginning with the April 30, 2002 expiration date.~~ A physician's certification of the permanent disability is required ~~for beginning with renewal of permanent decals or devices set to expire June 30, 1998.~~
 - b) The vehicle in which the disabled parking decal or device is displayed need not bear Illinois registration plates. However, the vehicle's registration plates must be valid and issued in accordance with the individual's ruling state/jurisdiction.
 - c) A vehicle displaying disabled plates issued under IVC Section 3-609(a) or 3-616 that has also been issued a metered-exempt parking decal or device must display the metered-exempt parking decal or device while parked at a meter to avoid paying the meter.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.25 Random Professional License Number Checks with the Department of Financial and Professional Regulation ~~Division of Professional Regulation~~

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- a) At least once every six months, the Secretary ~~of State~~ shall pull at random applications for person-with-disabilities license plates or decals or devices. ~~DFPR~~~~DFPR-DPR~~ shall verify that the name of the competent medical specialist certifying to the disability matches the licensing number listed on the application form, and that the competent medical specialist is licensed by ~~DFPR~~~~DFPR-DPR~~ under that licensure number. ~~DFPR~~~~DFPR-DPR~~ shall notify the Secretary of State of the results of the match.
- b) In the instance that ~~DFPR~~~~DFPR-DPR~~ finds that a competent medical specialist is not licensed by ~~DFPR~~~~DFPR-DPR~~ under the licensure number listed on the application, the Secretary ~~of State~~ shall begin proceedings for the revocation of plates or decals or devices outlined in Section 1100.35 ~~of this Part~~.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.30 Corporations, School Districts, and Special Education Cooperatives

- a) Corporations, school districts and special education cooperatives may apply for either a person-with-disabilities license plate and/or decal or device providing the corporation, school district and special education cooperative is not already registered pursuant to [IVC Sections 625 ILCS 5/1-142.1, 8-101, 8-101.1 and 3-412\(J\)](#). ~~A copy of the corporate charter shall be submitted to the Secretary of State.~~ If a vehicle is used to transport persons with disabilities for compensation, appropriate plates must be issued in accordance with the [IVC Sections of the Illinois Vehicle Code](#) cited [in this subsection \(a\) above](#).
- b) The vehicle must be used primarily (more than 60% of the time) for the transportation of permanently disabled persons to be registered with a person-with-disabilities license plate. If the vehicle is used only occasionally for the transportation of persons with disabilities, a decal or device shall be used.
- c) Duration of the decal or device: ~~The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998.~~ The permanent decals or devices ~~issued on or after January 1, 1998 shall expire every four years beginning with the April 30, 2002 expiration date.~~ An affirmation of the transportation of the persons with permanent disabilities shall be required upon the renewal of the permanent decal or device and/or plate.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

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Section 1100.35 Revocation of Plates and Decals or Devices

- a) Upon receipt of a written complaint that a person-with-disabilities plate or decal or device is being used by a person not entitled to the plate, decal or device ~~non-disabled person~~, the Secretary ~~of State~~ shall attempt to verify the license plate or decal or device owner's eligibility for the plate or decal or device.
- b) In determining eligibility, the Secretary ~~of State~~ shall notify the license plate or decal or device owner that the complaint has been received regarding the misuse of the license plate or decal or device. If the complaint is related to a metered-exempt parking decal or device, the ~~The~~ Secretary shall also request that the license plate or decal or device owner submit an updated certification by a competent medical specialist that the owner is disabled as defined by IVC Section 11-1301.2(c-5) ~~625 ILCS 5/1-159.1~~ and Section 1100.5 of this Part.
- 1) If the competent medical specialist chosen by the license plate/decal or device owner indicates on the certification form that the owner does not have a qualifying disability, the person-with-disabilities license plate and/or decal or device shall be revoked in accordance with IVC Section 3-704(a)(11) ~~625 ILCS 5/3-704(11)~~.
 - 2) If the competent medical specialist indicates that the disability is temporary in nature, not permanent, the license plate and/or permanent decal or device shall be revoked in accordance with IVC Section 3-704(a)(11) ~~625 ILCS 5/3-704(11)~~. Upon revocation of the permanent decal or device, a temporary decal or device shall be issued according to the guidelines outlined in Section 1100.20 ~~above~~.
 - 3) If the competent medical specialist affirms that the individual has a permanent qualifying disability, no revocation action shall be taken.
 - 4) If the competent medical specialist fails to submit an updated certification, the person-with-disabilities license plate and/or decal or device shall be revoked in accordance with IVC Section 3-704(a)(11).
- c) Under authority granted in IVC Section 3-704(a)(11), person-with-disabilities license plates and decals or devices shall be revoked if determined to be issued to a person who is not disabled or determined to be used in an unlawful manner as

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outlined in IVC Section 11-1301.5 or 11-1301.6. The sources of acceptable proof of the offenses described in this Section are court documents, Department of Vehicle Services applications, Department of Driver Services facility applications, government entity documents, and law enforcement correspondence/reports.

- ~~de)~~ If a person-with-disabilities license plate is revoked ~~in accordance with 625 ILCS 5/3-704(11)~~, a passenger plate (or other appropriate license plate) shall be issued.
- ~~ed)~~ Any person whose person-with-disabilities parking plate or decal is revoked ~~in accordance with 625 ILCS 5/3-704(11)~~ may request a hearing to be conducted pursuant to 92 Ill. Adm. Code 1001, Subpart A or Subpart C, as the person may choose.

(Source: Amended at 37 Ill. Reg. 19866, effective November 27, 2013)

Section 1100.40 Revocation Authority for Plates and Decals or Devices (Repealed)

- ~~a)~~ Under authority granted ~~in 625 ILCS 5/3-704(11)~~, person-with-disabilities license plates and decals or devices shall be revoked if determined to be issued to a person who is not disabled or determined to be used in an unlawful manner as outlined in ~~625 ILCS 5/11-1301.5 or 11-1301.6~~.
- ~~b)~~ The sources of acceptable proof of a person not being disabled are the written testament of a competent medical specialist, or the failure of an individual to obtain certification from a competent medical specialist that the person has a qualifying disability.
- ~~e)~~ The sources of acceptable proof of the offenses described in subsection (a) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents, and law enforcement correspondence/reports.

(Source: Repealed at 37 Ill. Reg. 19866, effective November 27, 2013)

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NOTICE OF ADOPTED RULES

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1150.10	New Section
1150.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2]
- 5) Effective Date of Rule: November 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, 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*: September 6, 2013, 37 Ill. Reg. 14000
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. 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? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The new Part establishes requirements for the leasing of parking spaces located on Secretary of State property by public or private entities or individuals.

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

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

or

cleitner@ilsos.net

Phone: 217/785-3094

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

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NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1150
PARKING AGREEMENTS AT SECRETARY OF STATE FACILITIES

Section

1150.10 Definitions

1150.20 Leasing of Parking Spaces

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

SOURCE: Adopted at 37 Ill. Reg. 19878, effective November 27, 2013.

Section 1150.10 Definitions

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

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

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

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

Section 1150.20 Leasing of Parking Spaces

- a) To lease a parking space or spaces at a facility, the lessee must obtain a signed "lease" from the Secretary that stipulates the following terms:
 - 1) General:
 - A) The effective dates of the lease;
 - B) A description of the property to be covered under the terms of the lease;
 - C) An agreed-upon reasonable lease fee to be paid to the Secretary in consideration for use of the designated property;

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

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1800.110	Amend
1800.310	Amend
1800.320	Amend
1800.610	Amend
1800.615	Amend
1800.650	Amend
1800.690	Amend
1800.1610	New
1800.1620	New
1800.1630	New
1800.1640	New
1800.1650	New
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1 et seq.], specifically Section 78 (a) (3) of that Act [230 ILCS 40/78 (a) (3)]
- 5) Effective Date of Rulemaking: November 26, 2013
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rulemaking will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: November 26, 2013
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency rulemaking is required to protect the integrity of video gaming operations in Illinois, and is in conformity with the Board's rulemaking authority under Section 78 (b) of the Act [230 ILCS 40/78 (b)].
- 10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking revises the language governing agreements for the placement of video gaming terminals, adding a new Subpart P providing for the establishment of a Video Gaming Board

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Exclusion List, and making corresponding changes to other portions of the video gaming rules. Following is a detailed summary of the emergency rulemaking:

Definitions (Section 1800.110):

The definition of "use agreement" is amended to clarify that such agreements must comply with all of the requirements contained in Section 320, "Minimum Standards for Use Agreements" [11 Ill. Admin. Code 1800.320].

The "Video Gaming Board Exclusion List" is defined as the list established by new Subpart P of the video gaming rules.

Grounds for Disciplinary Actions (Section 1800.310):

The rulemaking adds, as a grounds for disciplinary action against licensees, "engaging in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List which is connected with or affects, or can reasonably be expected to be connected with or affect, video gaming or gambling operations."

Minimum Standards for Use Agreements (Section 1800.320):

Section 1800.320 is amended to provide the following:

Clarifies that the Section applies to all agreements for the placement of video gaming terminals.

Requires that all use agreements, or other agreements for the placement of video gaming terminals, shall be entered into only with a licensed terminal operator which has been licensed by the Board at the time the agreement is signed.

Subpart F: Denials of Applications for Licensure:

This Subpart is renamed "Denials of Applications for Licensure, Placement on the Video Gaming Board Exclusion List, and Removals from the Video Gaming Board Exclusion List." Sections 1800.610, 1800, 615, 1800.650, and 1800.690 are amended so that the hearing procedures currently applicable to contested denials of licenses shall now apply to contested placements on the Video Gaming Board Exclusion List and hearings on petitions for removal from the Video Gaming Board Exclusion List.

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New Subpart P: Video Gaming Board Exclusion List:

The Video Gaming Board Exclusion List shall be maintained by the Board and updated promptly whenever a name is added or deleted. The list shall be published on the Board's website and distributed on request. The list shall include the following information for each included person:

- Full name and date of birth and all aliases;
- Effective date the person's name was placed on the list; and
- Other information deemed necessary by the Administrator.

Video gaming licensees (in all categories of licensure) shall not knowingly engage in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List, if that relationship is connected with or affects, or can be reasonably be expected to be connected with or affect, video gaming or gambling operations.

The Administrator or Board may place a person on the Video Gaming Board Exclusion List for any of the following reasons (which parallel the reasons for placement on the existing Riverboat Gambling Exclusion List established for riverboat gambling by Subpart G of 86 Ill. Admin. Code 3000):

- Conviction in any jurisdiction of a felony, crime involving gaming, crime of moral turpitude, or crime of dishonesty.
- Violation of the Video Gaming Act or rules, or the Riverboat Gambling Act or rules.
- Placement on the Riverboat Gambling Exclusion List.
- Performance of any act, or notorious or unsavory reputation, that would adversely affect public confidence and trust in gaming.
- Placement on any valid and current exclusion list from another jurisdiction in the United States.

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- Indictment by a grand jury or prosecution for violating Section 35 of the Video Gaming Act (illegal ownership, possession or operation of VGTs), or a similar provision in another jurisdiction.
- Entering into contracts or other business arrangements with the intent to circumvent the provisions of the Act or the jurisdiction of the Board.

Following a notice by the Administrator or Board to place a person on the Video Gaming Board Exclusion List, that person may contest the placement under the existing procedures of Subpart F of the video gaming rules. Subpart F currently establishes procedures relating to contested denials of licenses. Under the emergency rulemaking, the provisions of this subpart will now apply equally to contested placements on, and petitions for removal from, the Video Gaming Board Exclusion List.

Any person placed on the Video Gaming Board Exclusion List may petition for removal from the list after the expiration of one year from the date of initial placement, or the conclusion of any hearing or appeal associated with the placement (whichever date is later). The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition if it fails to comply with the required form (statement of specific facts, verification, and notarization), or if the facts contained in the petition are the same, or substantially the same, as the facts which formed the basis for initial placement on the list or a previous petition for removal. If the Board sets the petition for hearing, the procedures of Subpart F will apply. In ruling on a petition for removal from the list, the Board may consider the record of any evidence or testimony used by the Board in making its original placement determination or in denying a previous petition for removal, provided that the record shall not be reopened.

- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1800.570	Amendment	37 Ill. Reg. 14368, September 13, 2013
1800.820	Amendment	37 Ill. Reg. 14368, September 13, 2013
1800.830	Amendment	37 Ill. Reg. 14368, September 13, 2013

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

- 13) Information and questions regarding this rulemaking shall be directed to

Emily Mattison

ILLINOIS GAMING BOARD

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General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, IL 60601

Fax: 312/814-7253
Emily.mattison@igb.illinois.gov

The full text of the emergency amendments begins on the next page.

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section

- 1800.110 Definitions
- | [EMERGENCY](#)
- 1800.115 Gender
- 1800.120 Inspection

SUBPART B: DUTIES OF LICENSEES

Section

- 1800.210 General Duties of All Video Gaming Licensees
- 1800.220 Continuing Duty to Report Violations
- 1800.230 Duties of Licensed Manufacturers
- 1800.240 Duties of Licensed Distributors
- 1800.250 Duties of Licensed Video Terminal Operators
- 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
- 1800.270 Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section

- 1800.310 Grounds for Disciplinary Actions
- | [EMERGENCY](#)
- 1800.320 Minimum Standards for Use Agreements
- | [EMERGENCY](#)
- 1800.330 Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section

- 1800.410 Coverage of Subpart

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- 1800.420 Qualifications for Licensure
1800.430 Persons with Significant Influence or Control

SUBPART E: LICENSING PROCEDURES

Section

- 1800.510 Coverage of Subpart
1800.520 Applications
1800.530 Submission of Application
1800.540 Application Fees
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Renewal Fees and Dates
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE, PLACEMENTS
ON THE VIDEO GAMING BOARD EXCLUSION LIST, AND REMOVALS
FROM THE VIDEO GAMING BOARD EXCLUSION LIST

Section

- 1800.610 Coverage of Subpart
EMERGENCY
1800.615 Requests for Hearing
EMERGENCY
1800.620 Appearances
1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
EMERGENCY
1800.660 Evidence
1800.670 Prohibition on Ex Parte Communication
1800.680 Sanctions and Penalties
1800.690 Transmittal of Record and Recommendation to the Board
EMERGENCY
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

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SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

- Section
- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions
- 1800.725 Appearances
- 1800.730 Appointment of Administrative Law Judge
- 1800.735 Discovery
- 1800.740 Subpoenas
- 1800.745 Motions for Summary Judgment
- 1800.750 Proceedings
- 1800.760 Evidence
- 1800.770 Prohibition on Ex Parte Communication
- 1800.780 Sanctions and Penalties
- 1800.790 Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

- Section
- 1800.810 Location and Placement of Video Gaming Terminals
- 1800.820 Measurement of Distances from Locations
- 1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

- Section
- 1800.910 Approvals Required, Applicability, Scope of Approval
- 1800.920 Notice of Enforcement of a Security Interest
- 1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

- Section
- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals

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- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

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SUBPART P: VIDEO GAMING BOARD EXCLUSION LIST

Section

[1800.1610](#) [Distribution and Availability of Video Gaming Board Exclusion List](#)

[EMERGENCY](#)

[1800.1620](#) [Duty of Licensees](#)

[EMERGENCY](#)

[1800.1630](#) [Criteria for Placement on the Video Gaming Board Exclusion List](#)

[EMERGENCY](#)

[1800.1640](#) [Action on Petitions for Placement of Persons on the Video Gaming Board Exclusion List or Removal of Persons from the List](#)

[EMERGENCY](#)

[1800.1650](#) [Petition for Removal from the Video Gaming Board Exclusion List](#)

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

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For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either

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through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee of a licensed video gaming location or an authorized

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employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 USC 501(c)(8) or (c)(10)).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

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With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering

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location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

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"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Person with significant interest or control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending

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institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

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When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

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"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, [and complying with all of the minimum standards for use agreements contained in Section 1800.320.](#)

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

["Video Gaming Board Exclusion List" or "List": The list of persons established by Subpart P of this Part.](#)

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.310 Grounds for Disciplinary Actions**EMERGENCY**

- a) Holders of any license issued under the Act and identified persons with significant influence or control shall be subject to imposition of fines, suspension, revocation

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or restriction of license, or other disciplinary action for any act or failure to act by themselves or by their agents or employees that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, or that would discredit or tend to discredit the Illinois video gaming industry or the State of Illinois. Without limiting the provisions of this subsection (a), the following acts or omissions may be grounds for discipline:

- 1) Failing to comply with or make provision for compliance with the Act, this Part, any federal, State or local law or regulation, or a control system or protocol mandated by the Board;
- 2) Failing to comply with any order or ruling of the Board or its agents pertaining to the regulation of video gaming in Illinois;
- 3) Receiving goods or services from a licensee or other person in violation of the Act's licensing requirements, or in violation of any restriction, condition or prohibition of a license;
- 4) Being suspended or ruled ineligible or having a license revoked or suspended in any state or gaming or video gaming jurisdiction;
- 5) Employing, associating with, or participating in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;
- 6) Employing, associating with, or participating in any enterprise or business with persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body;
- 7) Failing to establish and maintain standards and procedures designed to prevent ineligible or unsuitable persons from being employed by the licensee, including any person known to have been found guilty of cheating or using any improper device in connection with any game or gaming device regulated under the Act or under the law of any gaming jurisdiction;
- 8) Misrepresenting any information to the Board;

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- 9) Intentionally making, causing to be made, or aiding, assisting, or procuring another to make any false statement in any report, disclosure, application, permit, form, or any other document, including improperly notarized documents, required by the Act, this Part or Board requirements;
- 10) Submitting tardy, inaccurate, or incomplete material or information to the Board;
- 11) Obstructing or impeding the lawful activities of the Board or its agents;
- 12) Willfully or repeatedly failing to pay amounts due or to be remitted to the State;
- 13) Failing to timely pay amounts due or to be remitted to the State;
- 14) Failing to timely pay a fine imposed by the Board;
- 15) Failing to respond in a timely manner to communications from the Board;
- 16) Being unavailable to the Board or its representatives or agents;
- 17) Aiding and abetting a violation by a Board member or employee, or other government official, of a requirement established by statute, resolution, ordinance, personnel code or code of conduct;
- 18) Violation of the Act or this Part by any person identified as a person with significant influence or control;
- 19) Employing, associating with, or participating in any enterprise or business with a person determined unsuitable to be a person with significant influence or control over an applicant or licensee by the Board or any other gaming jurisdiction;
- 20) Facilitating, enabling or participating in the use of coin-operated amusement devices for gambling purposes on or after December 16, 2009;
- 21) Engaging in, or facilitating, any unfair methods of competition or unfair or deceptive acts or practices, including, but not limited to, the use or employment of any deception, fraud, false pretense, false promise or

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misrepresentation, or the concealment, suppression or omission of any material fact in the conduct of any video gaming operation;

22) Failing to maintain minimum qualifications for licensure; ~~and~~

23) Engaging in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List which is connected with or affects, or can reasonably be expected to be connected with or affect, video gaming or gambling operations; and

2423) Any cause that, if known to the Board, would have disqualified the applicant from receiving a license.

b) A licensee whose employment has been terminated is subject to revocation of license for any act or failure to act that occurred while licensed.

c) A person who has had his or her license revoked by the Board may not reapply for a license without permission from the Board.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

Section 1800.320 Minimum Standards for Use Agreements**EMERGENCY**

In addition to the requirements set forth in the Act, a Use Agreement, or any agreement for the placement of video gaming terminals pursuant to the Act, must satisfy the following:

a) Only be between a licensed terminal operator, which has been licensed by the Board at the time the use agreement or other agreement is signed, and a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;

b) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;

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- c) Contain an indemnity and hold harmless provision on behalf of the State, the Board, and its agents relative to any cause of action arising from a use agreement;
- d) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator.
- e) Contain a provision that releases the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or surrenders its license.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE, [PLACEMENTS ON THE VIDEO GAMING BOARD EXCLUSION LIST, AND REMOVALS FROM THE VIDEO GAMING BOARD EXCLUSION LIST](#)

Section 1800.610 Coverage of Subpart
[EMERGENCY](#)

The rules contained in this Subpart shall govern all hearings requested upon issuance of a notice of denial of an application for licensure, [placement on the Video Gaming Board Exclusion List, or removal from the Video Gaming Board Exclusion List](#). Hearings under this Subpart are de novo proceedings for the creation of a record regarding an applicant's suitability for licensure [or placement on, or removal from, the Video Gaming Board Exclusion List](#). A hearing under this Subpart is not an appeal of Board action.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

Section 1800.615 Requests for Hearing
[EMERGENCY](#)

- a) If the Board finds that an applicant is not suitable for licensure, it shall issue the applicant a notice of denial. [If the Administrator or Board decides that a person shall be placed on the Video Gaming Board Exclusion List, the Administrator shall issue the person a notice of placement on the list.](#)

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- b) The ~~Board shall serve notice on the~~ applicant or person shall be served by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant or person. Service is complete four days after mailing.
- c) Should an applicant or person wish to contest the action the Board has taken regarding his application or the action the Administrator or Board has taken regarding placement on the Video Gaming Board Exclusion List, the applicant or person must submit a request for hearing to the Board.
- d) A petition for removal from the Video Gaming Board Exclusion List as provided under Section 1800.1650 shall be considered a request for hearing under this Subpart.
- ed) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:
- 1) The name, current address and current telephone number of the petitioner (the applicant or person);
 - 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, is not suitable for placement on the Video Gaming Board Exclusion List, or is suitable for removal from the Video Gaming Board Exclusion List, including specific responses to any facts enumerated in the Board's notice of denial or Administrator's or Board's notice of placement on the Video Gaming Board Exclusion List;
 - 3) A signature of the petitioner;
 - 4) A verification of the petition in the following form:

The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.
 - 5) The request must be notarized.

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- [fe](#)) A request for hearing must be made within 10 days after receipt of notice of denial from the Board [or notice of placement on the Video Gaming Board Exclusion List](#). A request shall be deemed filed on the date on which it is postmarked.
- [gf](#)) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial [or notice of placement on the Video Gaming Board Exclusion List](#) becomes the final order of the Board denying the applicant's license application [or placing the person on the Video Gaming Board Exclusion List](#).
- [hg](#)) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure, [order of placement on the Video Gaming Board Exclusion List, or order denying a petition for removal from the Video Gaming Board Exclusion List](#) becomes a final order on the date the Board denies the request for hearing.
- [ih](#)) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial [or notice of placement on the Video Gaming Board Exclusion List](#) becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.
- [ji](#)) The petitioner may submit a request for hearing by:
- 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.

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- | [kj](#)) All requests for hearing must be submitted to the Administrator at the Board's offices in Chicago.
- | [lk](#)) If a request is granted, an Administrative Law Judge will be appointed to conduct a hearing.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

Section 1800.650 Proceedings**EMERGENCY**

- | a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing, [the petitioner does not qualify for placement on, or continued inclusion in, the Video Gaming Board Exclusion List](#), or that enforcement of a security interest is warranted.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present opening statements. Petitioner proceeds first.
- d) The petitioner shall then present his, her or its case-in-chief.
- e) Upon the conclusion of the petitioner's case-in chief, the Board may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision, without argument.
- f) If no motion for directed finding is made, or if the motion is denied or decision reserved, the Board may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the Board's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing arguments. The petitioner proceeds first, then the Board, and thereafter the petitioner may present rebuttal argument.

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(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

Section 1800.690 Transmittal of Record and Recommendation to the Board**EMERGENCY**

- a) The record shall consist of the following:
 - 1) The notice of denial or placement on the Video Gaming Board Exclusion List, the request for hearing and all motions and rulings;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings;
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on petitioner by personal delivery, certified mail or overnight express mail to petitioner's last known address.

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- 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to petitioner's last known address.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

SUBPART P: VIDEO GAMING BOARD EXCLUSION LIST**Section 1800.1610 Distribution and Availability of Video Gaming Board Exclusion List
EMERGENCY**

The Board shall maintain a Video Gaming Board Exclusion List. This list shall be updated promptly when a name is added or deleted. The list may be distributed upon request and published on the Board's website. The following information, to the extent known, shall be provided for each person on the Video Gaming Board Exclusion List:

- a) The full name and date of birth and all aliases;
- b) The effective date the person's name was placed on the list; and
- c) Such other information as deemed necessary by the Administrator.

(Source: Added by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

**Section 1800.1620 Duty of Licensees
EMERGENCY**

No licensee shall knowingly engage in any contractual, employment, or other business relationship with a person on the Video Gaming Board Exclusion List which is connected with or affects, or can reasonably be expected to be connected with or affect, video gaming or gambling operations.

(Source: Added by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

**Section 1800.1630 Criteria for Placement on the Video Gaming Board Exclusion List
EMERGENCY**

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The Administrator or Board may place a person on the Video Gaming Board Exclusion List if that person:

- a) Has been convicted in any jurisdiction of a felony, crime involving gaming, crime of moral turpitude, or crime of dishonesty;
- b) Has violated either the Act, this Part, the Riverboat Gambling Act, or 86 Ill. Adm. Code 3000;
- c) Has his or her name on the Board Exclusion List established in Subpart G of 86 Ill. Admin. Code Part 3000;
- d) Has performed any act or has a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming;
- e) Has his or her name on any valid and current exclusion list from another jurisdiction in the United States;
- f) Has been indicted by a grand jury or prosecuted for violating Section 35 of the Act or similar provision of any other jurisdiction; or
- g) Has entered into contracts or other business arrangements with the intent to circumvent the provisions of the Act or jurisdiction of the Board.

(Source: Added by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

Section 1800.1640 Action on Petitions for Placement of Persons on the Video Gaming Board Exclusion List or Removal of Persons from the List
EMERGENCY

Following a notice by the Administrator or Board placing a person on the Video Gaming Board Exclusion List, the person placed on the list may contest the notice under the procedures of Subpart F of this Part. Following the filing of a petition by a person on the Video Gaming Board Exclusion List for removal from the list, the Board shall follow the procedures of Section 1800.1650 and Subpart F of this Part.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

**Section 1800.1650 Petition for Removal from the Video Gaming Board Exclusion List
EMERGENCY**

- a) Any person who has been placed on the Video Gaming Board Exclusion List may, after the expiration of one year from the date of placement on the list or from the conclusion of any hearing or appeal associated with placement on the list, whichever is later, petition the Board in writing to request that his or her name be removed from the list. The petition shall be verified and state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the list. The petition shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

- b) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition for removal from the Video Gaming Board Exclusion List if the petition fails to comply with any of the requirements of subsection (a) of this Section or if the facts contained in the petition are the same or substantially the same facts that formed the basis for initial placement of the petitioner on the list, or that the petitioner set forth in a request for hearing under a previous petition for removal under this Section. If the Board elects to set the petition for hearing, the provisions of Subpart F of this Part shall apply.
- c) Any information, including the record of evidence and testimony, if any, used by the Board in making its original determination to place the petitioner on the list or to deny a previous petition by the petitioner for removal from the list may be considered by the Board, provided, however, that the record shall not be reopened.

(Source: Added by emergency rulemaking at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Number: 830.80 Emergency Action:
Amend
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5]
- 5) Effective Date of Emergency Rulemaking: December 2, 2013
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: December 2, 2013
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency:

For the special use permits administrative rule adopted in July 2012, the Department's Division of Fisheries established a permit quota system for each water body not previously opened to commercial fishing based upon harvest data collected the previous two years. To the extent that the Department now has data to evaluate the efficacy of commercial harvest on the certain fish populations in those water bodies since implementing the quota system, it has been determined that, for effective management of those fisheries, the number of special use permits to be allocated by rule was and is too conservative.

With the ability to spawn during any high water event throughout the year, Asian carp have the potential to alter the distribution, population density and biomass of fish in any given water body in which the species populate. In Illinois, severe flooding this past spring brought about a significant influx of Asian carp into several water bodies in the Great Lakes watershed. These fish present a biological threat to the abundances of native

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fish species in the Great Lakes and must be removed as soon as possible.

Similarly, buffalo fish have great spawning success during spring floods. At the end of the last commercial harvest period (February – March 2013) for Carlyle and Rend Lakes, the harvest data indicated that a robust population of adult buffalo still remain. The abundance of these fish will only increase should there be another severe flood next spring. The Department has determined that an increase in the number of special use permits is needed for the next commercial harvest period (February – March 2014) in order to impact the reproductive success of buffalo fish in those waters.

Absent an emergency rule to immediately increase the number of special use permits, the Department would have to wait until the next permitting cycle in July 2014. Waiting until then would significantly impede the Department's management ability to control unwanted fish populations in Illinois waters. Moreover, many of the waters open to commercial fish removal under a special use permit are relatively small in size and will only support a limited number of commercial fishing crews. Therefore, in order to stay ahead of the curve, commercial harvest has to occur before fish populations increase. Due to the huge reproductive potential of buffalo fish and, in particular, Asian carp, there exists an immediate need to increase harvest pressure. From the Department's management perspective, efforts to remove these unwanted fish species must be redoubled.

- 10) A Complete Description of the Subjects and Issues Involved: An explanation for the need to issue additional permits is presented for each water body below:

Rend Lake – The maximum number of permits allowed under 17 Ill. Adm. Code 830.80(i) was issued during the last harvest season (February 1, 2013 – March 31, 2013). Removal efforts were successful with a total of 457,060 pounds of buffalo harvested. Daily catches remained high right up to the end of the season indicating that the population of buffalo in Rend Lake is still high and will continue to hamper sport fish management objectives in the lake. In an effort to increase participation and total buffalo harvest, the Department recommends increasing the permit quota from 10 to 25.

Carlyle Lake – The maximum number of permits allowed under 17 Ill. Adm. Code 830.80(i) was issued during the last harvest season (February 1, 2013 – March 31, 2013). Removal efforts were moderately successful with a total of 86,684 pounds of buffalo harvested. Harvest was lower than desired due in part to lack of effort from the crews fishing Carlyle Lake. Buffalo continue to impede sport fish management efforts in the lake. Several fishermen that obtained special use permits for Carlyle Lake spent the

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majority of their time at Rend Lake. In an effort to increase participation and total buffalo harvest, the Department recommends increasing the permit quota from 10 to 25.

Mississippi River Fish and Wildlife Area – Due to drought conditions this area was essentially dry therefore there was little interest in fish removal during the permit period last year. This resulted in only one of the potential five special use permits being issued. The spring of 2013 brought extensive flooding to all of the water bodies at this site. This flooding resulted in a huge influx of Asian carp and necessitates issuance of additional special use permits. In an effort to increase harvest of Asian carp, the Department recommends increasing the quota from 5 to 15 special use permits.

Anderson Lake – Similarly to the Mississippi River Fish and Wildlife Area, Anderson Lake experienced extensive flooding resulting in a huge influx of Asian Carp into the site. In an effort to increase harvest of Asian carp, the Department recommends increasing the quota from 5 to 15 special use permits.

Kaskaskia River – Despite issuing the allotted number of special use permits (10), harvest remained low during the commercial fish removal effort on the Kaskaskia River last season. A total of 19,894 pounds of fish were reported, of which only 7,040 were Asian carp. Asian carp continue to impede sport fish management efforts on the Kaskaskia River. Therefore in an effort to increase the harvest of Asian carp, the Department recommends increasing from 10 to 20 special use permits.

Saline River – Due to low water levels there was little commercial fish removal conducted on the Saline River last season. Only one of the three available permits was issued, resulting in the harvest of 14,712 pounds of fish, of which 13,484 were Asian carp. Fisheries sampling conducted by the Department indicate that excessive populations of commercial fishes continue to persist in the Saline River. Management goals for rivers such as the Saline are catch rates of 20kg/hour of electrofishing or less for commercial fish species. The most recent electrofishing survey resulted in a catch rate of 38kg/hour. Therefore, in an effort to help meet sportfish management objectives, the Department recommends increasing from 3 to 6 special use permits.

Sangamon River – Due to low water levels there was no commercial fish removal conducted on the Sangamon River last season. Based on the low catches observed on the Saline and Kaskaskia Rivers, the allotted quota of 5 permits would not achieve the desired management objectives of 20kg/hour. The most recent survey resulted in a catch rate of 47kg/hour, almost three times the management objective. Therefore, the Department recommends increasing from 5 to 15 special use permits.

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Big Muddy River – Due to low water levels, there was no commercial fish removal conducted on the Big Muddy River last season. The most recent survey conducted on the Big Muddy showed an alarming increase in commercial fish species, with a catch rate of 250kg/hour. This was due primarily to an explosion of Asian carp populations in this river. In an effort to restore some semblance of balance to this fish population, the Department recommends increasing from 3 to 10 special use permits.

- 11) Are there any proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not affect units of local governments.
- 13) Information and questions regarding this rulemaking shall be directed to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/558-1224

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
<u>EMERGENCY</u>	
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13,

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2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days.

Section 830.80 Commercial Fishing and Musseling in Additional Waters**EMERGENCY**

- a) Additional waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10 or 830.20 must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (USFDA 21, CFR 109.30, 2004) (no incorporation in this Part includes later amendments or editions)); and a fair and equitable allocation of commercial fishing or musseling opportunities.
- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
 - 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1;
and

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- 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
- e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
- 1) The following members of the sunfish family (*Centrarchidae*):
 - black crappie – *Pomoxis nigromaculatus*
 - bluegill – *Lepomis macrochirus*
 - largemouth bass – *Micropterus salmoides*
 - rock bass – *Ambloplites rupestris*
 - redeer sunfish – *Lepomis microlophus*
 - smallmouth bass – *Micropterus dolomieu*
 - spotted bass – *Micropterus punctulatus*
 - white crappie – *Pomoxis annularis*
 - 2) The following members of the catfish family (*Ictaluridae*):
 - blue catfish – *Ictalurus furcatus*
 - brown bullhead – *Ameiurus nebulosus*

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black bullhead – *Ameiurus melas*

channel catfish – *Ictalurus punctatus*

flathead catfish – *Pylodictis olivaris*

yellow bullhead – *Ameiurus natalis*

- 3) The following members of the pike family (*Esocidae*):

muskellunge – *Esox masquinongy*

northern pike – *Esox lucius*

- 4) The following members of the perch family (*Percidae*):

sauger – *Sander canadensis*

walleye – *Sander vitreus*

yellow perch – *Perca flavescens*

- 5) The following members of the temperate bass family (*Moronidae*):

Striped bass – *Morone saxatilis*

Striped bass X white bass hybrid – *M. Saxatilis X*
M. chrysops

White bass – *Morone chrysops*

- f) Commercial fishing or musseling Special Use Permits will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.

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- g) Commercial fishing Special Use Permits may be issued for private bodies of water if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
 - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property; and either:
 - A) None of the commercially-harvested fish are offered for barter or sale; or
 - B) If commercially-harvested fish are offered for barter or sale, it has been determined that the fish are safe for public consumption (U.S. Food and Drug Administration (FDA) standards are followed (21 CFR 109.30 (2004)).
- h) Application procedures for targeted commercial fish removal Special Use Permits:
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were under a commercial fish removal contractor or held a Special Use Permit in the previous year and provided a complete monthly report to the Department of their catch each month are eligible to obtain a Special Use Permit in the first lottery drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a drawing will be conducted on July 1 to allocate available permits.

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- 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
- 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
 - 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section
 - 2) Rend Lake – maximum of ~~2540~~ Special Use Permits
 - 3) Carlyle Lake – maximum of ~~2540~~ Special Use Permits
 - 4) Mississippi River State Fish and Wildlife Area – maximum of ~~155~~ Special Use Permits
 - 5) Anderson Lake State Fish and Wildlife Area – maximum of ~~155~~ Special Use Permits
 - 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of 1 Special Use Permit
 - 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of 1 Special Use Permit
 - 8) Quincy Bay – maximum of 1 Special Use Permit
- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with

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the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):

- 1) Kaskaskia River – maximum of ~~2010~~ Special Use Permits
 - 2) Sangamon River – maximum of ~~155~~ Special Use Permits
 - 3) Big Muddy River – maximum of ~~103~~ Special Use Permits
 - 4) Saline River – maximum of ~~63~~ Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
DECEMBER 17, 2013
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

PROPOSED RULEMAKINGS

Commerce and Economic Opportunity

1. Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)
 - First Notice Published: 37 Ill. Reg. 632 – 1/25/13
 - Expiration of Second Notice: 1/9/14
2. International Tourism Program (14 Ill. Adm. Code 555)
 - First Notice Published: 37 Ill. Reg. 642 – 1/25/13
 - Expiration of Second Notice: 1/9/14

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Commerce Commission

3. Guidelines for Carbon Dioxide Transportation and Sequestration (83 Ill. Adm. Code 302)
 - First Notice Published: 37 Ill. Reg. 8076 – 6/21/13
 - Expiration of Second Notice: 1/1/14
4. Qualifying Infrastructure Plant Surcharge (83 Ill. Adm. Code 556)
 - First Notice Published: 37 Ill. Reg. 12950 – 8/16/13
 - Expiration of Second Notice: 12/20/13

Environmental Protection Agency

5. Testing Fees for Analytical Services (35 Ill. Adm. Code 691)
 - First Notice Published: 37 Ill. Reg. 9820 – 7/12/13
 - Expiration of Second Notice: 12/27/13

Financial and Professional Regulation

6. Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)
 - First Notice Published: 37 Ill. Reg. 15590 – 10/4/13
 - Expiration of Second Notice: 1/3/14

Gaming Board

7. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 37 Ill. Reg. 14378 – 9/13/13
 - Expiration of Second Notice: 1/1/14

Housing Development Authority

8. Abandoned Residential Property Municipality Relief Program (47 Ill. Adm. Code 381)
 - First Notice Published: 37 Ill. Reg. 12670 – 8/9/13
 - Expiration of Second Notice: 12/21/13
9. State Housing Appeals Board (47 Ill. Adm. Code 395)
 - First Notice Published: 37 Ill. Reg. 14392 – 9/13/13
 - Expiration of Second Notice: 12/21/13

Insurance

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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10. Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm. Code 2001)
 - First Notice Published: 37 Ill. Reg. 14404 – 9/13/13
 - Expiration of Second Notice: 12/21/13
11. Advertising of Accident and Sickness Insurance (50 Ill. Adm. Code 2002)
 - First Notice Published: 37 Ill. Reg. 14494 – 9/13/13
 - Expiration of Second Notice: 12/18/13
12. Minimum Standards of Individual Accident and Health Insurance (50 Ill. Adm. Code 2007)
 - First Notice Published: 37 Ill. Reg. 15191 – 9/20/13
 - Expiration of Second Notice: 12/28/13
13. Pre-Existing Illness (50 Ill. Adm. Code 2005)
 - First Notice Published: 37 Ill. Reg. 14502 – 9/13/13
 - Expiration of Second Notice: 12/18/13
14. Premium Increase Justification and Reporting (50 Ill. Adm. Code 2026)
 - First Notice Published: 37 Ill. Reg. 14515 – 9/13/13
 - Expiration of Second Notice: 12/19/13
15. Navigator, In-Person Counselor and Certified Application Counselor Certification (50 Ill. Adm. Code 3125)
 - First Notice Published: 37 Ill. Reg. 15238 – 9/20/13
 - Expiration of Second Notice: 12/27/13
16. Managed Care Reform & Patient Rights (50 Ill. Adm. Code 5420)
 - First Notice Published: 37 Ill. Reg. 15251 – 9/20/13
 - Expiration of Second Notice: 1/1/14
17. Health Maintenance Organization (50 Ill. Adm. Code 5421)
 - First Notice Published: 37 Ill. Reg. 15270 – 9/20/13
 - Expiration of Second Notice: 12/21/13
18. Long-Term Care Insurance (50 Ill. Adm. Code 2012)
 - First Notice Published: 37 Ill. Reg. 13108 – 8/16/13
 - Expiration of Second Notice: 1/1/14
19. Small Employer Group Health Insurance (Repealer) (50 Ill. Adm. Code 2014)

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- First Notice Published: 37 Ill. Reg. 14509 – 9/13/13
- Expiration of Second Notice: 12/18/13

Natural Resources

20. Falconry and the Captive Propagation of Raptors (17 Ill. Adm. Code 1590)
 - First Notice Published: 37 Ill. Reg. 14526 – 9/13/13
 - Expiration of Second Notice: 12/22/13
21. Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)
 - First Notice Published: 37 Ill. Reg. 4156 – 4/5/13
 - Expiration of Second Notice: 12/29/13
22. Regulation of Public Waters (17 Ill. Adm. Code 3704)
 - First Notice Published: 37 Ill. Reg. 4168 – 4/5/13
 - Expiration of Second Notice: 12/29/13
23. Floodway Construction in Northeastern Illinois (17 Ill. Adm. Code 3708)
 - First Notice Published: 37 Ill. Reg. 4183 – 4/5/13
 - Expiration of Second Notice: 12/29/13
24. Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River (17 Ill. Adm. Code 3720)
 - First Notice Published: 37 Ill. Reg. 4199 – 4/5/13
 - Expiration of Second Notice: 12/29/13

Nature Preserves Commission

25. Inventories, Registers, and Records (17 Ill. Adm. Code 4020)
 - First Notice Published: 37 Ill. Reg. 7111 – 5/24/13
 - Expiration of Second Notice: 12/26/13

Pollution Control Board

26. Permits and General Provisions (35 Ill. Adm. Code 201)
 - First Notice Published: 37 Ill. Reg. 6028 – 5/10/13
 - Expiration of Second Notice: 12/21/13
27. Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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- First Notice Published: 37 Ill. Reg. 6054 – 5/10/13
- Expiration of Second Notice: 12/21/13

28. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- First Notice Published: 37 Ill. Reg. 6083 – 5/10/13
- Expiration of Second Notice: 12/21/13

Secretary of State

29. Dealers, Wreckers, Transporters and Rebuilders (92 Ill. Adm. Code 1020)

- First Notice Published: 37 Ill. Reg. 15503 – 9/27/13
- Expiration of Second Notice: 12/28/13

State Police

30. Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230)

- First Notice Published: 37 Ill. Reg. 15841 – 10/11/13
- Expiration of Second Notice: 1/10/14

31. Firearm Concealed Carry Act Procedures (20 Ill. Adm. Code 1231)

- First Notice Published: 37 Ill. Reg. 15859 – 10/11/13
- Expiration of Second Notice: 1/10/14

Student Assistance Commission

32. Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)

- First Notice Published: 37 Ill. Reg. 15332 – 9/20/13
- Expiration of Second Notice: 1/1/14

33. Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)

- First Notice Published: 37 Ill. Reg. 15334 – 9/20/13
- Expiration of Second Notice: 1/1/14

Transportation

34. Disadvantaged Business Revolving Loan Program (92 Ill. Adm. Code 5)

- First Notice Published: 37 Ill. Reg. 15513 – 9/27/13
- Expiration of Second Notice: 12/26/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

EMERGENCY RULEMAKING

Illinois Racing Board

35. Licensing (11 Ill. Adm. Code 502) (Emergency)
-Notice Published: 37 Ill. Reg. 19740 – 12/6/13

PEREMPTORY RULEMAKING

Human Services

36. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-Notice Published: 37 Ill. Reg. 17983 – 11/8/13

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 November 26, 2013 through December 2, 2013. The rulemakings are scheduled for review at the Committee's December 17, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/9/14	<u>Department of Commerce and Economic Opportunity</u> , Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)	1/25/13 37 Ill. Reg. 632	12/17/13
1/9/14	<u>Department of Commerce and Economic Opportunity</u> , International Tourism Program (14 Ill. Adm. Code 555)	1/25/13 37 Ill. Reg. 642	12/17/13
1/10/14	<u>Department of State Police</u> , Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230)	10/11/13 37 Ill. Reg. 15841	12/17/13
1/10/14	<u>Department of State Police</u> , Firearm Concealed Carry Act Procedures (20 Ill. Adm. Code 1231)	10/11/13 37 Ill. Reg. 15859	12/17/13

ILLINOIS LABOR RELATIONS BOARD

JANUARY 2014 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 2500
- 1) Rulemaking:
- A) Description: This Part implements Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]. It describes the structure and jurisdiction of the Illinois Labor Relations Board. The proposed rulemaking is needed to address changes in the Board's structure and physical address.
- B) Statutory Authority: Authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and by Section 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(j)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:
- Sarah R. Kerley
Deputy General Counsel
Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield, IL 62702
- 217/785-3155
Sarah.R.Kerley@Illinois.Gov
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citations): Freedom of Information, 2 Ill. Adm. Code 2501

ILLINOIS LABOR RELATIONS BOARD

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1) Rulemaking:

- A) Description: This Part implements Section 3(h) (formerly Section 3(g)) of the Freedom of Information Act [5 ILCS 140/3(h)]. It contains the Board's rules governing the availability of, access to, and requests for records. The proposed rulemaking is needed following substantial changes to the Freedom of Information Act.
- B) Statutory Authority: Authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and by Section 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(j)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citations): General Procedures, 80 Ill. Adm. Code 12001) Rulemaking:

- A) Description: This Part contains general information applicable to proceedings before the Board. Many of the rules in this Part were last

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updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

- B) Statutory Authority: Authorized by Sections 5(i), 5(j), and 5(l) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i), (j), and (l)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citations): Representation Proceedings, 80 Ill. Adm. Code 1210

1) Rulemaking:

- A) Description: This Part contains policies and procedures applicable to voluntary recognition, representation and related proceedings before the Board. The rules in this Part were last updated in May 2003 and February

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2004. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

- B) Statutory Authority: Authorized by Sections 5(i) and 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i) and (j)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citations): Unfair Labor Practice Proceedings, 80 Ill. Adm. Code 1220

1) Rulemaking:

- A) Description: This Part details the procedures for initiating, processing, and resolving charges that an employer or a labor organization has committed or is committing an unfair labor practice. The rules in this Part were last updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part

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conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

- B) Statutory Authority: Authorized by Sections 5(i), 5(j), and 5(k) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i), (j), and (k)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citations): Impasse Resolution, 80 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: This Part details the procedures for giving required notices during collective bargaining, for resolving impasses in collective bargaining, for making appointments to the Illinois Public Employees Mediation/Arbitration Roster, and for the selection of mediators, fact-finders and arbitrators from the Roster. The rules in this Part were last updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms

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to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

- B) Statutory Authority: Authorized by Sections 5(i) and 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i) and (j)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citations): Police Officer Decertification Proceedings, 80 Ill. Adm. Code 1240

1) Rulemaking:

- A) Description: This Part implements Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. It details the procedures for obtaining a hearing before the Board to determine decertification of a police officer based on that officer's commission of perjury in a murder case. The rules in this Part were last updated in November 2004. The Board will review

ILLINOIS LABOR RELATIONS BOARD

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these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

- B) Statutory Authority: Authorized by Section 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(j)]
- C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.
- D) Date Agency anticipates First Notice: Undetermined
- E) Affect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

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a) Part(s) (Heading and Code Citations): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking:

A) Description: The Property Tax Appeal Board anticipates amending the following rules:

Section 1910.5 – Add terms and clarify existing definitions.

Section 1910.12 – Provide that meeting agendas will be posted at the Property Tax Appeal Board's offices in Springfield and Des Plaines.

Section 1910.20 – Update addresses of the Des Plaines office and the Property Tax Appeal Board's website.

Section 1910.25 – Provide that petitions, evidence, motions and all written correspondence filed by means other than the United States Mail shall be considered as filed with the Property Tax Appeal Board on the date received. Provide that the date the Property Tax Appeal Board confirms receipt of an eligible electronically filed document will constitute the filing date.

Section 1910.30 – Provide for the electronic filing of the petition and evidence. Clarify that corporations, limited liability companies, partnerships and other similar entities need to be represented by an attorney licensed to practice law in the State of Illinois at all stages of an appeal.

Section 1910.31 – Provide for the electronic filing of amendments.

Section 1910.40 – Provide for the electronic filing of the board of review notes on appeal and supporting documentation.

Section 1910.50 – Provide that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer as required by section 16-183 of the Property Tax Code [35 ILCS 200/16-183].

PROPERTY TAX APPEAL BOARD

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Section 1910.55(b) – Provide that a settlement stipulation agreed to by all interested parties shall be accepted by the Property Tax Appeal Board provided it is fair and reasonable based on the evidence in the record.

Section 1910.60 – Reduce the time to file a request to intervene from 60 days to 30 days. Eliminate the requirement of filing a resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene. Allow for the electronic filing of the request to intervene and supporting evidence.

Section 1910.66 – Provide for the electronic filing of rebuttal evidence.

Section 1910.70(c) – Require corporations, limited liability companies (LLC), partnerships, other similar entities and taxing districts to be represented at all stages of the appeal by a person licensed to practice law in the State of Illinois.

Section 1910.75 – Update to reflect requirements of the Freedom of Information Act [5 ILCS 140].

Section 1910.80 – Provide updated websites and locations to access forms used by the Property Tax Appeal Board.

Section 1910.88 – Clarify that the use of facsimile machines to submit petitions, evidence, board of review notes on appeal, requests to intervene and rebuttal evidence is prohibited.

Section 1910.90 – Provide that a party accepting decisions electronically bears the risk that the transmission will not be successful.

Section 1910.95 – Allow for the electronic service of documents by the parties in those appeals where a change in assessed valuation of \$1 million or more is sought.

- B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195
- C) Scheduled meeting/hearing dates: None

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D) Date agency anticipates First Notice: January or February 2014

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Louis G. Apostol, JD, CAE
Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield, IL 62706

Telephone: 217/785.4456 or 847/294.4399

Fax: 217/785.4425

Email: louis.apostol@illinois.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2014 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergency Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: Section 515.800 will be amended to implement PA 98-0452, allowing a vehicle service provider's license to be valid for four years instead of one year. Section 515.830 is being amended to allow annual inspections to continue.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council - Spring 2014
- D) Date agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These changes will have a positive effect on small businesses, small municipalities and volunteer agencies that have emergency medical services. These changes are being made in response to the EMS Funding Task Force meetings held throughout the State to help with rural EMS issues.
- F) Agency contact person for information:
- Susan Meister
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Illinois Department of Public Health
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- G) Related rulemakings and other pertinent information: None
- 2) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

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- A) Description: Part 515 will be updated to comply with the federal New Education Standards if the legislation is passed in the spring of 2014 to adopt the New Education Standards.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled Meeting/Hearing dates: State EMS Council - Summer 2014
- D) Date Agency anticipates First Notice: Summer of 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Colleges, Universities and hospitals that educate Emergency Medical Technicians will need to adjust their curriculum to meet the federal New Education Standards.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: None

3) Rulemaking:

- A) Description: Section 515.4000 will be amended to clarify the qualifications needed by a physician working an Emergency Department Approved for Pediatrics (EDAP) recognized facility. Sections 515.4000 and 515.4010 will be amended to mirror each other when the same language applies. Sections 515.4000, 515.4010, 515.4020, 515.APPENDIX K, and 515.APPENDIX N will be amended to clarify the specific type of licensed mid-level practitioner that can be used in an EDAP or Standby Emergency Department Approved for Pediatrics (SEDP) recognized facility. Sections 515.4000, 515.4010, 515.4020,

DEPARTMENT OF PUBLIC HEALTH

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515.APPENDIX K, 515.APPENDIX N, and 515.APPENDIX O will be amended to replace the term "waiver" with "Alternate Criteria Physician" and "Alternate Criteria Nurse Practitioner". This will eliminate the need to grant physician and nurse practitioner waivers to EDAP and SEDP recognized facilities.

- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled Meeting/Hearing Dates: State EMS Council - Summer 2014
- D) Date Agency anticipates First Notice: Summer 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Not-for profit hospitals will need to update policies to stay compliant with the requirements of a Pediatric Critical Care, Emergency Department Approved for Pediatrics or a Standby Emergency Department for Pediatrics hospital.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: None

4) Rulemaking:

- A) Description: Amendments to Sections 515.2000, 515.2020, 515.2030, 515.2035, 515.2040, and 515.2045 will update the Trauma Center rules to agree with nationally recognized standards. Two new Sections will be created, a Trauma Level 3 and Trauma Level 4, as recommended by national standards.

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- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled Meeting/Hearing Dates: Trauma Advisory Committee - Summer 2014
- D) Date Agency anticipates First Notice: Summer 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Not-for-profit hospitals that want to be a Level 1, 2, 3 or 4 Trauma Center will have to comply with these rules and the Act.
- F) Agency contact person for information:

Susan Meister
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- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Local Health Protection Grant Rules (77 Ill. Adm. Code 615)

1) Rulemaking:

- A) Description: The Department will revise the requirements for the four health protection programs (infectious diseases, food protection, potable water supply, and private sewage disposal) funded by the Local Health Protection Grant. In addition, the rulemaking will revise and update definitions and referenced materials and will add specific review criteria for determining substantial compliance.
- B) Statutory Authority: Division 5-25 of the Counties Code [55 ILCS 5], Public Health District Act [70 ILCS 905], Illinois Municipal Code [65

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ILCS 5], and Section 2310-15 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-15]

- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: All certified local health departments in Illinois must provide the four health protection programs and follow the requirements outlined in these rules.
- F) Agency contact person for information:

Susan Meister
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535 W. Jefferson St., 5th Floor
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- G) Related rulemakings and other pertinent information: The Department has worked with the Local Health Protection Advisory Group to develop suggested language prior to beginning the formal rulemaking process. Once a proposed rule is drafted, the Department plans to distribute the draft rule to all local health departments and other interested stakeholders for comment and/or revision before beginning the formal rulemaking process.

c) Part(s) (Heading and Code Citation): Child Health Examination Code (77 Ill. Adm. Code 665)

1) Rulemaking:

- A) Description: Beginning with the school year 2015-2016, any child entering the sixth grade will be required to show proof of having received one dose of meningococcal conjugate vaccine on or after the 11th

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birthday. Beginning with the school year 2015-2016, any child entering the 12th grade will be required to show proof of having received two doses of meningococcal conjugate vaccine prior to entering the 12th grade. The first dose shall have been received on or after the 11th birthday, and the second dose shall have been received at least eight weeks after the first dose. If the first dose is administered when the child is 16 years of age or older, only one dose is required. For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of having received one dose of meningococcal conjugate vaccine shall be submitted prior to the school year in which the child reaches age 11 and a second dose prior to the school year in which the child reaches age 15.

- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2] and Section 2 of the Communicable Disease Prevention Act [40 ILCS 315/2]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- H) Date Agency anticipates First Notice: Winter 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No known impact
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: Immunization Code (77 Ill. Adm. Code 695)

- d) Part(s) (Heading and Code Citation): Immunization Code (77 Ill. Adm. Code 695)

DEPARTMENT OF PUBLIC HEALTH

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1) Rulemaking:

- A) Description: Beginning with the school year 2015-2016, any child entering the sixth grade will be required to show proof of having received one dose of meningococcal conjugate vaccine on or after the 11th birthday. Beginning with the school year 2015-2016, any child entering the 12th grade will be required to show proof of having received two doses of meningococcal conjugate vaccine prior to entering the 12th grade. The first dose shall have been received on or after the 11th birthday, and the second dose shall have been received at least eight weeks after the first dose. If the first dose is administered when the child is 16 years of age or older, only one dose is required. For students attending school programs where grade levels (kindergarten through 12) are not assigned, including special education programs, proof of having received one dose of meningococcal conjugate vaccine shall be submitted prior to the school year in which the child reaches age 11 and a second dose prior to the school year in which the child reaches age 15.
- B) Statutory Authority: Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Winter 2014
- E) Effect on small businesses, small municipalities or-not for-profit corporations: No known impact
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: Child Health Examination Code (77 Ill. Adm. Code 665)
- e) Part(s) (Heading and Code Citation): Recreational Area Code (77 Ill. Adm. Code 800)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric services and buildings.
- B) Statutory Authority: Section 21 of the Campground Licensing and Recreational Area Act [210 ILCS 95/21]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Summer 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Manufactured Home Community Code (77 Ill. Adm. Code 860)
- 1) Rulemaking:

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- A) Description: The rulemaking will update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric services and provisions to issue fines for non-compliance.
- B) Statutory Authority: Section 21 of the Mobile Home Park Act [210 ILCS 115/21]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Manufactured Home Installation Code (77 Ill. Adm. Code 870)

1) Rulemaking:

- A) Description: The rulemaking will update and clarify the incorporated materials, add definitions, and provide current requirements for installation and manufacture of manufactured homes.
- B) Statutory Authority: Section 15 of the Manufactured Home Quality Assurance Act [430 ILCS 117/15]
- C) Scheduled Meeting/Hearing Dates: State Board of Health

DEPARTMENT OF PUBLIC HEALTH

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- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:

Susan Meister
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- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Field Sanitation Code (77 Ill. Adm. Code 910)
- 1) Rulemaking:
- A) Description: The rulemaking will update and clarify the incorporated materials, add definitions, and provide current requirements for water and sewer.
- B) Statutory Authority: Section 11 of the Field Sanitation Act [210 ILCS 105/11]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:

Susan Meister

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2014 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citations): Mold Remediation Registration Code (77 Ill. Adm. Code 841)

1) Rulemaking:

B) Description: These new rules will implement the Mold Remediation Registration Act [410 ILCS 105]. The rules will establish procedures for mold investigators/inspectors and mold remediation contractors and firms that provide mold remediation services to register with the State and provide evidence of financial responsibility. As a part of this rulemaking, the Department will charge and collect a registration fee.

B) Statutory Authority: Mold Remediation Registration Act [410 ILCS 105/20]; Indoor Air Quality Act [410 ILCS 87]

C) Scheduled Meeting/Hearing Dates: State Board of Health

D) Date Agency anticipates First Notice: 2014

J) Effect on small businesses, small municipalities or not-for-profit corporations: Small counties and municipalities are unlikely to be affected by the proposed rulemaking. An unknown number of small businesses may be affected through increased costs (fees and liability insurance). A small number of not-for-profit corporations (fewer than 100) that provide housing rehabilitation services may also be affected.

F) Agency contact person for information:

Susan Meister
Division of Legal Services

DEPARTMENT OF PUBLIC HEALTH

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- H) Related rulemakings and other pertinent information: The State of Illinois does not currently license or certify companies that provide mold remediation services; however, at least three other states, Texas, Louisiana and Florida do. The Mold Remediation Registration Act stems from a 2005 Joint House-Senate Task Force on Mold in Indoor Environments Report. The Act is currently unfunded, and the Department is not required to implement its provisions.
- j) Part(s) (Heading and Code Citation): Youth Camp Code (77 Ill. Adm. Code 810)
- 1) Rulemaking:
- A) Description: This rulemaking will update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric services and buildings.
- B) Statutory Authority: Section 4 of the Youth Camp Act [210 ILCS 100/4]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761

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G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Migrant Labor Camp Code (77 Ill. Adm. Code 935)

1) Rulemaking:

A) Description: The rulemaking will update and clarify the incorporated materials, add definitions, and provide for current requirements for water, sewer, electric services and buildings.

B) Statutory Authority: Section 10 of the Migrant Labor Camp Law [210 ILCS 110/10]

C) Scheduled Meeting/Hearing Dates: State Board of Health

D) Date Agency anticipates First Notice: Spring 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citations): Private Sewage Disposal Code (77 Ill. Adm. Code 905)

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- 1) Rulemaking:
 - A) Description: Modifications will be based upon finalizing and implementing the federal United States environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit program.
 - B) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]
 - C) Scheduled Meeting/Hearing Dates: State Board of Health
 - D) Date Agency anticipates First Notice: 2014
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will affect private sewage disposal system owners, private sewage disposal system installation contractors and local health departments.
 - F) Agency contact person for information:

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 - G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citations): Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 1) Rulemaking:
 - A) Description: Changes to these rules include technical amendments recommended by the Plumbing Code Advisory Council for the fixtures, materials, design, and installation methods of plumbing systems to reflect

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advances in those technologies and methods that use natural resources more effectively and protect public health.

- B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320/35]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Because the proposed rules deal with optional plumbing, small businesses and not-for-profit corporations will not be affected. However, local governments with a plumbing ordinance must ensure that their inspectors enforce the proposed standards. No economic impact is expected.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citations): Water Well Construction Code (77 Ill. Adm. Code 920)

1) Rulemaking:

- A) Description: Amendments will clarify existing language pertaining to setback distances of closed loop wells in accordance with an agreement with the Joint Committee on Administrative Rules (JCAR).

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- B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will affect closed loop well contractors and owners of closed loop wells.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citations): Swimming Facility Code (77 Ill. Adm. Code 820)
- 1) Rulemaking:
- A) Description: This rulemaking will update definitions; update technical design requirements; and incorporate provisions for new technologies that have become standards in the aquatic industry.
- B) Statutory Authority: Swimming Facility Act [210 ILCS 125]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.

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F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Nonep) Part(s) (Heading and Code Citation): Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880)1) Rulemaking:

- A) Description: The rulemaking will update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer and electric service for regulated factory-built structures.
- B) Statutory Authority: Section 9 of the Manufactured Housing and Mobile Structure Safety Act [430 ILCS 115/9]
- C) Scheduled Meeting/Hearing Dates: State Board of Health
- D) Date Agency anticipates First Notice: Spring 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.
- F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citations): Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)

1) Rulemaking:

A) Description: The Department will simultaneously file emergency rules and proposed new rules to implement the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49].

B) Statutory Authority: Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]

C) Scheduled Meeting/Hearing Dates: December 2013

D) Date Agency anticipates First Notice: Winter 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect facilities that currently are classified as Institutions for Mental Disease and facilities currently certified under Subpart T of 77 Ill. Adm. Code 300.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Subpart T of 77 Ill. Adm. Code 300 will be repealed simultaneously with the adoption of Part 380.

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r) Part(s) (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

1) Rulemaking:

- A) Description: Subpart T of Part 300 will be repealed.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled Meeting/Hearing Dates: December 2013
- D) Date agency anticipates First Notice: Winter 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect facilities that currently are certified under Subpart T of 77 Ill. Adm. Code 300.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: Subpart T of 77 Ill. Adm. Code 300 will be repealed simultaneously with the adoption of Part 380.

s) Part(s) (Heading and Code Citations): Food Service Sanitation Code (77 Ill. Adm. Code 750)

1) Rulemaking:

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- A) Description: Amendments are necessary to implement Public Act 98-0566. Public Act 98-0566 eliminates the state examination requirement for the food service sanitation manger certification, eliminates the food service sanitation manager re-certification process, and adds requirements for food handler training.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS 650] and Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled Meeting/Hearing Dates:
- December 2013 - Food Safety Advisory Committee
February 2014 - State Board of Health Rules Committee
March 2014 – State Board of Health
- D) Date Agency anticipates First Notice: March 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The changes will have a positive impact for small businesses, or retail food establishments, in relation to training hours, food safety principles, and renewal consistency.
- F) Agency contact person for information:
- Susan Meister
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- G) Related rulemakings and other pertinent information: This rulemaking was included on the January 2013 Regulatory Agenda, and one draft amendment for implementation of this Public Act is already in process and should be filed for first notice early in 2014; however, the Department has chosen to complete the necessary amendments for implementation of the new law in multiple rulemakings rather than all in one, so more draft

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amendments will be forthcoming.

t) Part(s) (Heading and Code Citations): Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)

1) Rulemaking:

A) Description: This rulemaking will amend the Manufacturing, Processing, Packing or Holding of Food Code to include a permit and fee for manufactured food facilities and to include portions of the following rules: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled Meeting/Hearing Dates:

May 2014 – Food Safety Advisory Committee
May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health

D) Date Agency anticipates First Notice: June 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: Manufactured food facilities will be required to apply to the Department for a permit and pay the associated fee.

F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the following rules will be repealed: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).
- u) Part(s) (Heading and Code Citations): Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735)
- 1) Rulemaking:
- A) Description: These rules will be repealed, and the pertinent information currently contained in the rules will be added to the Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730).
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Dates:
May 2014 – Food Safety Advisory Committee
May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health
- D) Date Agency anticipates First Notice: June 2014
- 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: The Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730) will be amended at the same time to include pertinent portions of these rules.
- v) Part(s) (Heading and Code Citations): Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738)
- 1) Rulemaking:
- A) Description: These rules will be repealed, and the pertinent information currently contained in the rules will be added to the Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730).
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled meeting/hearing dates:
- May 2014 – Food Safety Advisory Committee
May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health
- D) Date Agency anticipates First Notice: June 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Susan Meister
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2014 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730) will be amended at the same time to include pertinent portions of these rules.
- w) Part(s) (Heading and Code Citations): Soft Drink Manufacturers (77 Ill. Adm. Code 740)
- 1) Rulemaking:
- A) Description: These rules will be repealed, and the pertinent information currently contained in the rules will be added to the Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730).
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Dates:
- May 2014 – Food Safety Advisory Committee
May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health
- D) Date Agency anticipates First Notice: June 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2014 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730) will be amended at the same time to include pertinent portions of these rules.
- x) Part(s) (Heading and Code Citations): Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743)
- 1) Rulemaking:
- A) Description: These rules will be repealed, and the pertinent information currently contained in the rules will be added to the Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730).
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act (410 ILCS 620)
- C) Scheduled Meeting/Hearing Dates:
- May 2014 – Food Safety Advisory Committee
May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health
- D) Date Agency anticipates First Notice: June 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2014 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730) will be amended at the same time to include pertinent portions of these rules.
- y) Part(s) (Heading and Code Citations): Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)
- 1) Rulemaking:
- B) Description: This rulemaking will incorporate language concerning on-farm and off-farm sale or distribution of unpasteurized (raw) milk in Illinois.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and Grade A Milk and Milk Products Act [410 ILCS 635]
- C) Scheduled Meeting/Hearing Dates:
- December 2013 - Food Safety Advisory Committee
February 2014 – State Board of Health Rules Committee
March 2014 – State Board of Health
- E) Date Agency anticipates First Notice: March 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will add requirements for permits that will allow producers of unpasteurized (raw) milk to legally sell or distribute raw milk; however, there is no fee associated with the permit, and minimal fiscal impact with a permit for on-farm sales. The identified dairy farms that will need an off-farm sales permit already meet the requirements set forth as a Grade A farm, so a large fiscal impact to them is not anticipated. A greater fiscal impact will come to those small farms that currently do not meet Grade A requirements and wish to sell or distribute off the premises of the farm, but this would be a business decision for them to do so.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: This rulemaking will develop the certified pasteurizer sealer program in Illinois.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and Grade A Milk and Milk Products Act [410 ILCS 635]

C) Scheduled Meeting/Hearing Dates:

December 2013 - Food Safety Advisory Committee
February 2014 – State Board of Health Rules Committee
March 2014 – State Board of Health

D) Date Agency anticipates First Notice: March 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The certified pasteurizer sealer program will have a positive impact on dairy plants. If a employee is certified as a pasteurizer sealer, the plant will no longer have to stop production and wait for a Department staff person to repair a broken pasteurizer seal.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

z) Part(s) (Heading and Code Citations): Body Art Code (77 Ill. Adm. Code 797)

1) Rulemaking:

A) Description: This rulemaking will be a general clean-up and update of the Body Art Code.

B) Statutory Authority: Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54]

C) Scheduled Meeting/Hearing Dates:

May 2014 – State Board of Health Rules Committee
June 2014 – State Board of Health

D) Date agency anticipates First Notice: June 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will not have a significant impact on body art establishments.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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aa) Part(s) (Heading and Code Citations): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

1) Rulemaking:

A) Description: This rulemaking will repeal the rules, which require the Department to maintain a listing of information on generic drug manufacturers and approved generic drugs. This program was eliminated in 2004 when the Department's pharmacist position was also eliminated.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

May 2014 – State Board of Health Rules Committee

June 2014 – State Board of Health

D) Date agency anticipates First Notice: June 2014

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

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

- 1) Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
- 2) Name of Contributor: Mr. Morris Esformes, General Partner and a 91.57% owner of S.F.C.D. Limited Partnership (SFCD).
- 3) Date of Violation: October 21, 2010
- 4) Description of Violation: Mr. Esformes, an affiliated person of the business entity SFCD, made a contribution of \$7,500.00 to Citizens for Bill Brady, Inc. (now Brady for Senate, Inc.), a campaign committee established to support the candidacy of Bill Brady for Governor and Jason Plummer for Lieutenant Governor of the State of Illinois. At the time of the contribution, Bill Brady was a declared candidate for the office of governor, and SFCD had in place active contracts with Central Management Services, the total annual combined value of which was in excess of \$50,000.
- 5) Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified SFDC of the apparent violation, reviewed responsive material provided by SFDC, and have considered the value, status, and necessity of the contracts. The violation was discovered on July 8, 2013 and consequently the Chief Procurement Officer prohibited the award and execution of the new contract that was to begin on August 1, 2013 with SFCD.

As required by Section 50-37(e) of the Procurement Code, Brady for Senate, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

- 1) Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
- 2) Name of Contributor: : Mr. Morris Esformes, General Partner and a 91.57% owner of S.F.C.D. Limited Partnership (SFCD).
- 3) Date of Violation: October 21, 2010
- 4) Description of Violation: Mr. Esformes, an affiliated person of the business entity SFCD, made a contribution of \$21,000.00 to Quinn/Simon for Illinois, a campaign committee established to support the election of Patrick Quinn to public office. At the time of the contribution, Patrick Quinn was a declared candidate for the office of governor as well as the incumbent office holder, and SFCD had in place active contracts with Central Management Services, the total annual combined value of which was in excess of \$50,000.
- 5) Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified SFDC of the apparent violation, reviewed responsive material provided by SFDC, and have considered the value, status, and necessity of the contracts. The violation was discovered on July 8, 2013 and consequently the Chief Procurement Officer prohibited the award and execution of the new contract that was to begin on August 1, 2013 with SFCD.

As required by Section 50-37(e) of the Procurement Code, Quinn/Simon for Illinois is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

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Issue Index - With Effective Dates

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