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November 14, 2016 Volume 40, Issue 46

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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 preemptory 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 2016

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

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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, 2016 until January 3, 2017.

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## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1100.20	Amendment
1100.30	Amendment
1100.40	Repealed
1100.50	Repealed
1100.60	Amendment
1100.70	Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will specifically authorize the IELRB to serve documents by other means. This rulemaking will simplify the language concerning when documents are considered to have been filed and concerning the service of documents. This rulemaking will eliminate the requirement that parties obtain approval from the IELRB in order to file documents electronically and provide that parties may file documents by emailing them to the IELRB's general mailbox. This rulemaking will provide that documents must be received by the close of business in order to be considered to have been filed that day. The number of copies to be filed with the Board will be reduced. This rulemaking will clarify computations of time. The sections concerning hearing officers and the recording of hearings will be repealed. It will be clarified that the right of a party to be represented by any representative of its choosing is subject to restrictions on the unauthorized practice of law. This rulemaking will note the availability of subpoenas duces tecum and will correct the section on subpoenas to refer to the General Counsel rather than the Chief Administrative Law Judge. This rulemaking will also add sanctions for refusal to comply with a subpoena under certain circumstances.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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: 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:

Susan J. Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170  
email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016. The IELRB learned of issues regarding the unauthorized practice of law and the calculation of time after the July 2016 regulatory agenda was submitted.

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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1100  
GENERAL PROCEDURES

## Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers ( <a href="#">Repealed</a> )
1100.50	Recording of Hearings ( <a href="#">Repealed</a> )
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage
1100.105	Qualifications of Administrative Law Judges
1100.110	Conflict of Interest
1100.120	Oral Argument
1100.130	Board Meeting Procedures

**AUTHORITY:** Implementing and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)] and by Sections 2.05, 2.06 and 7 of the Open Meetings Act [5 ILCS 120/2.05, 120/2.06, 120/7].

**SOURCE:** Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7932, effective May 28, 2004; amended at 35 Ill. Reg. 14438, effective August 12, 2011; amended at 38 Ill. Reg. 8371, effective April 1, 2014; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1100.20 Filing and Service of Documents**

- a) All documents relating to any proceeding before the Illinois Educational Labor Relations Board (the Board) shall be filed in either the Board's Springfield or

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

Chicago office or shall be sent to the Board's electronic mailbox (ELRB.mail@illinois.gov). ~~The original and seven copies of each document shall be filed in all proceedings before the members of the Board; the original and three copies of each document shall be filed in any proceeding before a Hearing Officer.~~ Except as otherwise specified in the rules of the Board, documents shall be considered filed with the Board on the date they are received by the Board, except that documents sent by certified or registered mail shall be considered to have been filed on the date on which they are postmarked, and documents sent by overnight delivery service shall be considered to have been filed on the date the receipt shows they were given to the overnight delivery service. ~~or on the date they are postmarked if sent by registered or certified mail. Documents sent by any means other than registered or certified mail shall be considered filed on the date they are received by the Board, except that documents shall be considered filed on the date they are tendered to an overnight delivery service, if that service provides a receipt showing the date on which the documents were tendered for delivery.~~ A party may file a document by facsimile if the party also sends a hard copy. Documents may also be filed electronically. The Board may direct parties to provide hard copies of documents. Documents, including but not limited to documents filed electronically, must be received by the close of business in order to be considered to have been filed that day. Except for documents filed electronically, a party must file an original and two copies of each document in proceedings before a hearing officer or the Board. ~~A document filed by facsimile shall be considered filed with the Board on the date the Board receives the facsimile or the date the Board receives the hard copy of the document, whichever is first. Filings by e-mail may be permitted with the approval of the General Counsel in any proceeding before the members of the Board; with the approval of the hearing officer in any proceeding before a hearing officer; and with the approval of the Executive Director or Board Agent in any proceeding before the Executive Director.~~

- b) Whenever 80 Ill. Adm. Code: Subtitle C, Chapter III requires that a document be on a form developed by the Board, the document may be prepared on a form obtained from the Board or on a facsimile thereof. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those deviations that involve form but not substance and thus do not prejudice any other party to the case.
- c) The Board will serve final Board opinions, complaints and notices of hearing, petitions, intervening claims, and unfair labor practice charges, and fair share fee

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

objections on the appropriate parties by ~~either~~ personal service, registered or certified mail, or ~~by~~ leaving a copy at the principal office or place of business of the person required to be served. A party may agree to service of the above documents by other means by giving written consent. The Board may serve other documents by other means.

- d) All documents, except those listed in subsection (c), will be served on the appropriate parties by the party propounding the document by means calculated to provide proper service, either by the methods listed in subsection (c) or by first class mail or overnight delivery service. A document filed by facsimile or e-mail may be served by the same means as it is filed. When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. Subpoenas will be served by the party requesting the subpoena by personal service, registered or certified mail, or leaving a copy at the principal office or place of business of the person required to be served, but in the manner provided in subsection (c).
- e) Whenever a document is filed with the Board, it shall be accompanied by a certificate of service. A certificate of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service. ~~In the case of an e-mail, a signature on the certificate of service shall not be required.~~
- f) Failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document, if the failure results in prejudice to another party (such as lack of notice or detrimental reliance) or demonstrates disregard of the Board's processes (such as continued noncompliance).

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.30 Computation and Extensions of Time**

- a) In computing any period of time prescribed by the Act or this Part or 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130, and 80 Ill. Adm. Code 1135, except for objections to an election, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, the time period shall be automatically

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

extended to the next day that is not a Saturday, Sunday or legal holiday.

- b) When a time period prescribed under the Act or 80 Ill. Adm. Code: Subtitle C, Chapter III~~this Part~~ is less than seven days, intervening Saturdays, Sundays, or legal holidays shall not be included. Time periods shall otherwise be calculated according to calendar days.
- c) Whenever a time period begins running upon the service of notice or other document upon a party, and service is effected by first class~~first-class~~ mail, three days shall be added to the prescribed period. However, three days shall not be added if any extension of time has been granted.
- d) In all proceedings before the Board, extensions of time will be granted only upon timely written motion to the General Counsel, if the matter is before the members of the Board, or the presiding hearing officer if the matter is before a hearing officer, and only upon a specific showing that compliance with the deadline would be unduly burdensome for the party seeking the extension, and the extension will not unduly delay the proceeding (undue delay to be determined by factors including the length of the requested extension, the length of time the matter has been pending, whether the party has previously requested extensions and the impact of delay on other parties).

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.40 Hearing Officers (Repealed)**

~~Whenever the Board appoints a hearing officer to preside over a matter, the hearing officer shall have the authority to do any or all of the following:~~

- ~~a) dispose of procedural requests, motions, or similar matters;~~
- ~~b) continue or adjourn a hearing to a later date;~~
- ~~c) subpoena witnesses, administer oaths and affirmations, examine witnesses, receive relevant testimony and evidence, rule upon offers of proof, and introduce into the record relevant evidence;~~
- ~~d) take official notice of generally recognized facts; and~~

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- e) ~~generally regulate the course of a hearing.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.50 Recording of Hearings (Repealed)**

~~Whenever a hearing is held under the Act or these rules it shall be recorded by stenographic or other appropriate means. The parties, the hearing officer or the Board may order that the recording be transcribed. Parties shall bear the costs of any transcripts that they order.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.60 Representation of Parties**

Subject to any restrictions on the unauthorized practice of law, a party may be represented by counsel or any other representative of the party's choosing. The representative shall file a notice of appearance with the Board.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.70 Subpoenas**

- a) All subpoenas shall be issued by the Board upon written application of a party to the Administrative Law Judge or hearing officer, or, in the event that an Administrative Law Judge or hearing officer has not been named, to the General Counsel~~Chief Administrative Law Judge~~. The application shall contain the name and address of the party and its representative, ~~and~~ the name of the person to be subpoenaed, and, when applicable, a description of any documents to be produced.
- b) A person objecting to the subpoena, including a subpoena duces tecum, may file a motion to revoke the subpoena. Any motion to revoke a subpoena shall be filed with the hearing officer or Administrative Law Judge, or, in the event that a hearing officer or Administrative Law Judge has not been named, with the General Counsel~~Chief Administrative Law Judge~~. The motion must be filed by the date on which the person is required to appear or the documents are to be produced, and, in any event, no later than five days after service of the subpoena. Grounds for revocations of subpoenas shall include such factors as irrelevance, burdensomeness of compliance, or privilege.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- c) Witnesses appearing at a hearing pursuant to subpoenas are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Courts Act [705 ILCS 35/~~4.3~~]. Witness fees and mileage shall be paid by the party at whose request the subpoena was issued.
- d) A subpoena duces tecum shall specify the date for production of the documents. If the date so specified is other than at the hearing, the date specified for production shall be a date in advance of the hearing, which shall be no less than 10 days after the receipt of the subpoena by the person or entity to whom it is directed.
- e) A party may be awarded its costs and reasonable attorney's fees incurred in seeking enforcement of a subpoena when the noncompliant party has, in refusing to comply with the subpoena, made allegations or denials without reasonable cause that are found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1105
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1105.20	Amendment
1105.40	Amendment
1105.80	Repealed
1105.100	Amendment
1105.150	Amendment
1105.220	Repealed
1105.230	Repealed
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will correct language referring to the Chief Administrative Law Judge to refer to the Executive Director or the General Counsel. This rulemaking will amend the subsections on the representation of parties. This rulemaking will revise the language on requests for continuances. In particular, this rulemaking will delete the requirements that a party state that he or she has unsuccessfully attempted to change the conflicting date and why the evidence or testimony sought to be introduced through a witness who is unavailable cannot be introduced through another witness or witnesses. Multiple requests for continuances will be regarded more skeptically. This rulemaking will provide that a request for a continuance must be in writing, but will not require a formal motion. This rulemaking will delete the Sections on decisions and exceptions, which are duplicated in Parts 1110 and 1120. The Section providing for motions for the production of documents will be repealed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? No

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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: 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:

Susan J. Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170

Email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016.

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1105  
HEARING PROCEDURES

## SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section	
1105.10	General Statement of Purpose
1105.20	Setting of Representation Hearing
1105.30	Authority of Hearing Officer
1105.40	Rights of Parties
1105.50	Conduct of Hearing
1105.60	Admissible Evidence
1105.70	Official Notice
1105.80	Decisions and Exceptions ( <a href="#">Repealed</a> )

## SUBPART B: CONTESTED CASES

Section	
1105.90	General Statement of Purpose
1105.100	Setting of Contested Case Hearing
1105.110	Parties
1105.120	Authority of Hearing Officer
1105.130	Requests for Documents ( <a href="#">Repealed</a> )
1105.140	Pre-Hearing Memorandum
1105.150	Rights of Parties
1105.160	Order of Hearing
1105.170	Conduct of Hearing
1105.180	Confidentiality
1105.190	Admissible Evidence
1105.200	Official Notice
1105.210	Examination of Hostile Party or Adverse Witness
1105.220	Decisions and Exceptions ( <a href="#">Repealed</a> )
1105.230	Motions for Production of Documents ( <a href="#">Repealed</a> )

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 9 Ill. Reg. 9491, effective June 11, 1985; amended at 14 Ill. Reg. 1278, effective January 5, 1990; amended at 28 Ill. Reg. 8710, effective June 6, 2004; amended at 35 Ill. Reg. 14442, effective August 12, 2011; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: NON-ADVERSARIAL PROCEEDINGS

**Section 1105.20 Setting of Representation Hearing**

- a) Where a representation petition has been filed and the Illinois Educational Labor Relations Board (the Board) has determined that the petition is supported by an adequate showing of interest and there is reasonable cause to believe that a question of representation exists pursuant to Section 7 of the Act and 80 Ill. Adm. Code 1110.100 a hearing shall be scheduled on any unresolved issues relating to the holding of an election. These issues include (but are not limited to) the scope of the bargaining unit, the exclusion of confidential, supervisory, or managerial employees as defined in the Act, or the existence of a bar to a petition or an election. Where the parties to a representation petition are able to agree to the holding of an election and enter into a consent agreement pursuant to 80 Ill. Adm. Code 1110.100, no hearing will be held.
- b) Where a petition to clarify an existing bargaining unit is filed pursuant to 80 Ill. Adm. Code 1110.160 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.
- c) Where a petition to amend certification is filed pursuant to 80 Ill. Adm. Code 1110.170 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.
- d) Whenever a challenged ballot is determinative of the results of an election, a hearing shall be set when the challenge presents unresolved questions of material

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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fact. Issues shall include (but are not limited to) whether the challenged ballot shall be counted in the final tally of the election. When the challenge does not present unresolved questions of material fact, the Executive Director will rule on the challenge without a hearing.

- e) When such a hearing is necessary to resolve issues relating to the holding of an election, challenged ballots, amendment of certification or unit clarification, the ~~Executive Director~~Chief Administrative Law Judge shall appoint a hearing officer and shall give at least seven days' notice to the parties. That notice shall include:
- 1) The name of the hearing officer;
  - 2) The nature, location, date, and time of the hearing;
  - 3) A statement of the legal authority and jurisdiction under which the hearing is to be held; and
  - 4) A reference to the particular ~~Section~~section of the Act and the rules of the Board involved.
- f) Motions to intervene or participate in the hearing, motions for continuances, and motions to revoke or quash subpoenas shall be directed to the hearing officer, or, in the event that a hearing officer has not been named, to the ~~General Counsel~~Chief Administrative Law Judge. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the hearing officer or ~~General Counsel~~Chief Administrative Law Judge.
- g) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:
- 1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.
  - 2) Other parties shall have seven days to file a response and serve that response on all other parties simultaneously with the filing.
  - 3) The parties must seek leave of the hearing officer to file any additional briefs. The hearing officer will allow the filing of additional briefs upon

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

demonstration that material issues which could not have been anticipated have been raised.

- h) Requests for continuances must be made in writing, but need not be submitted as formal motions. Requests ~~Motions~~ for continuances will be granted only for good cause shown, such as the unavoidable absence of a person essential to the hearing, and only when the continuance will not unduly delay the hearings. The ~~moving~~ party requesting the continuance shall state specifically ~~in the motion~~ the reasons that a continuance is being sought and shall state whether the ~~moving~~ party has discussed the ~~request~~ ~~motion~~ with all other parties and whether any other party opposes the ~~request~~ ~~motion~~. Multiple requests for continuance will be viewed more strictly. ~~If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state that he or she has unsuccessfully attempted to change the conflicting date. If the unavailable person is a witness, the moving party shall state specifically why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1105.40 Rights of Parties**

- a) All parties to a representation hearing shall have the following rights:
- 1) To appear on their own behalf, ~~to be represented by counsel,~~ or to be represented in accordance with 80 Ill. Adm. Code 1100.60 ~~by persons experienced and knowledgeable in the matters under consideration;~~
  - 2) To offer evidence through the testimony of witnesses or through exhibits;
  - 3) To request subpoenas in order to subpoena witnesses or documents for the hearing;
  - 4) To question witnesses offered by other parties or the hearing officer;
  - 5) To object to testimony or exhibits offered by other parties or the hearing officer; and
  - 6) To make opening statements and to make either closing statements or

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submit post-hearing briefs simultaneously, subject to any limitation established by the hearing officer pursuant to Section 1105.30 of this Subpart.

- b) Misnomer of a party shall not be grounds for dismissal; the name of any party may be corrected at any time while the case is pending.
- c) All representation and decertification petitions may be amended at any time to conform with the evidence presented in the hearing.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1105.80 Decisions and Exceptions (Repealed)**

- ~~a) The hearing officer shall issue a decision and give reasons for that decision in writing pursuant to the time limits established in 80 Ill. Adm. Code 1110.100(g). Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.~~
- ~~b) The parties may file exceptions to the hearing officer's recommended decisions and briefs in support of those exceptions no later than 14 days after receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have 14 days from receipt of the exceptions and supporting brief to file a response with the General Counsel. The response shall be served on all parties and a certificate of service shall be attached. A party may also file cross exceptions and a supporting brief no later than 14 days from receipt of another party's exceptions and supporting brief. Those cross exceptions and supporting brief shall be filed with the General Counsel. Copies of the cross exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have 14 days from receipt of the cross exceptions and supporting brief to file a response with the General Counsel. The response shall be served upon all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions, cross exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, cross exceptions, briefs, and recommended decision.~~

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- e) ~~The Board shall review the hearing officer's decision and any exceptions pursuant to 80 Ill. Adm. Code 1110.100(j) and will issue and serve upon all parties a written decision giving the Board's reasons for its determination. An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order (Section 7(d) of the Act). An order of the Board dismissing or granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification, is a final order.~~
- d) ~~If no exceptions have been filed within 14 days after the parties' receipt of the Hearing Officer's decision, the parties will be deemed to have waived their exceptions.~~
- e) ~~In cases removed to the Board pursuant to 80 Ill. Adm. Code 1110.100(e), the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This decision and order shall include the Board's reasons for its decision.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: CONTESTED CASES

**Section 1105.100 Setting of Contested Case Hearing**

- a) Where the Executive Director has issued a complaint on an unfair labor practice charge pursuant to Section 15 of the Act and 80 Ill. Adm. Code 1120.30 or a finding of probable cause with respect to an election objection pursuant to Section 8 of the Act and 80 Ill. Adm. Code 1110.150, a hearing shall be scheduled. Unfair labor practice charges and election objections having a common nucleus of operative facts shall be consolidated for purposes of hearing.
- b) Complaints will issue or probable cause will be found when the investigation has

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disclosed adequate credible statements, facts, or documents which, if substantiated, and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act. Issuance of a complaint or finding of probable cause that objectionable conduct occurred by the Executive Director is not a decision that an unfair labor practice or objectionable conduct has in fact occurred.

- c) When such a hearing is necessary, the ~~Executive Director~~Chief Administrative Law Judge shall appoint an Administrative Law Judge. When the Executive Director issues a Complaint and Notice of Hearing, the parties shall be given at least seven days' notice of the hearing. That notice and the complaint or finding of probable cause shall include:
- 1) The name of the Administrative Law Judge;
  - 2) The location, ~~date,~~ and time of the hearing;
  - 3) A statement of the legal authority and jurisdiction under which the hearing is to be held;
  - 4) A reference to the particular ~~Section~~section of the Act and the rules of the Board involved; and
  - 5) A brief statement of the nature of the matters at issue.
- d) Motions shall be directed to the Administrative Law Judge~~;~~ or, in the event that an Administrative Law Judge has not been named, to the ~~General Counsel~~Chief Administrative Law Judge. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Administrative Law Judge or ~~General Counsel~~Chief Administrative Law Judge. Motions that would preclude a hearing, such as a motion to dismiss or to refer the matter to arbitration, should be filed with the Answer. However, such a motion may be filed at any time with the permission of the Administrative Law Judge or the ~~General Counsel~~Chief Administrative Law Judge.
- e) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

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- 1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.
  - 2) Other parties shall have seven days to file a response and serve that response on all other parties simultaneously with the filing.
  - 3) The parties must seek leave of the Administrative Law Judge to file any additional briefs. The Administrative Law Judge will allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.
- f) Requests for continuances must be made in writing, but need not be submitted as formal motions. Requests~~Motions~~ for continuances will be granted only for good cause shown, such as the unavoidable absence of a person essential to the hearing, and only when the continuance will not unduly delay the hearing. The ~~moving~~ party requesting the continuance shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the ~~moving~~ party has discussed the request~~motion~~ with all other parties and whether any other party opposes the request. Multiple requests for continuances will be viewed more strictly. ~~If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state that he or she has unsuccessfully attempted to change the conflicting date. If the unavailable person is a witness, the moving party shall state specifically why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.~~
- g) The Executive Director may amend the complaint prior to the hearing upon motion of a party or on the Executive Director's own motion. Grounds for amendment will include newly discovered evidence, inadvertent exclusions and new allegations. The parties shall receive reasonable notice of the amendment, and the Respondent shall have 15 days after the service of the amended complaint, unless waived by the Respondent, within which to file an answer to the amended complaint.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1105.150 Rights of Parties**

All parties to a contested case hearing shall have the following rights:

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- a) To appear on their own behalf or to be represented in accordance with 8 Ill. Adm. Code 1100.60, to be represented by counsel, or to be represented by persons experienced and knowledgeable in the matters under consideration;
- b) To offer evidence through the testimony of witnesses or through exhibits;
- c) To request subpoenas in order to subpoena witnesses or documents for the hearing;
- d) To question witnesses offered by other parties;
- e) To object to testimony or exhibits offered by other parties; and
- f) To make opening statements and to make either closing statements or submit post-hearing briefs simultaneously subject to any limitation established by the Hearing Officer pursuant to Section 1105.100 of this Subpart.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1105.220 Decisions and Exceptions (Repealed)**

- a) ~~Pursuant to the procedures established in 80 Ill. Adm. Code 1120.40, the Administrative Law Judge shall issue a recommended decision and give reasons for that decision or shall remove the case to the Board.~~
- b) ~~In cases in which the Administrative Law Judge issues a recommended decision, the parties may file exceptions to the Administrative Law Judge's recommended decision and briefs in support of those exceptions no later than twenty one days after the receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have twenty one days from receipt of the exceptions and supporting brief to file a response with the General Counsel. Such response shall be served on all parties and a certificate of service shall be attached. A party may also file cross-exceptions and a brief in support of those cross-exceptions no later than 14 days after receipt of another party's exceptions. Those cross-exceptions and briefs shall be filed with the General Counsel. Copies~~

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~~of all cross-exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have 14 days from receipt of the cross-exceptions and supporting brief to file a response with the General Counsel. Such response shall be served on all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions, cross-exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, cross-exceptions, briefs, and the recommended decision.~~

- e) ~~The Board shall review the Administrative Law Judge's decision and any exceptions pursuant to 80 Ill. Adm. Code 1120.50(b) and shall issue and serve upon all parties its decision and order. This written decision and order shall include the Board's reasons for its decision. This decision is a final decision for the purposes of the Administrative Review Law [735 ILCS 5/Art. III].~~
- d) ~~If no exceptions have been filed within 21 days after the parties' receipt of the Administrative Law Judge's recommended decision, the parties will be deemed to have waived their exceptions.~~
- e) ~~In cases removed to the Board pursuant to 80 Ill. Adm. Code 1120.40(f), the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This written decision and order shall include the Board's reasons for its decision.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1105.230 Motions for Production of Documents (Repealed)**

- a) ~~After a hearing has been scheduled, a party may file a written motion for the production of documents for inspection or copying. The motion shall be filed with the Administrative Law Judge and served upon all parties to the matter. The Administrative Law Judge may grant the motion for good cause shown. Motions for the production of documents shall be filed at least 15 days prior to the hearing and shall provide a reasonable period of time for producing the documents, which shall not be less than seven days and shall be prior to the hearing.~~
- b) ~~The party from whom production is sought may serve upon the party moving for production and the Administrative Law Judge written objections to producing the documents on the ground that the motion is improper in whole or part. Objections~~

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~~must be filed by the date for production of the documents. If objections are filed, production of the documents in dispute shall not be required until the objections are ruled upon. Copies of documents may be furnished in lieu of the originals.~~

- e) ~~This Section does not preclude the use of a subpoena duces tecum requesting the production of documents from a person not a party.~~
- d) ~~Time limits specified in this Section may be modified by an order of the Administrative Law Judge assigned to the case, or by the Chief Administrative Law Judge.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Representation Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1110
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1110.40	Amendment
1110.100	Amendment
1110.105	Amendment
1110.140	Amendment
1110.160	Amendment
1110.APPENDIX A	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i) and 9]
- 5) A Complete Description of the Subjects and Issues Involved: The IELRB's Rule on voluntary recognition will be amended to provide that only one petition is required. Certain corrections and clarifications will be made to Sections 1110.100, 1110.105 and 1110.160 due to the repeal of Sections 1105.80 and 1105.220. Certain modifications will be made to the IELRB's procedures for majority interest cases. The list of employees, signature examples and response to the petition will all be due at the same time – 21 days after service of the petition. The 30 day requirements for holding a hearing and for certifying the bargaining unit will be removed. The model authorization card will be modified to include language that it could be used to obtain recognition without an election and will be called a sample card, rather than a model card. The language of 80 Ill. Adm. Code 1110.140(q) will be corrected.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: 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: 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:

Susan J. Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170  
Email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
  - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1110  
REPRESENTATION PROCEDURES

## Section

1110.10	General Statement of Purpose
1110.15	Investigations
1110.20	Employee Organizations Seeking Recognition
1110.30	Employer Responses to Recognition Requests
1110.40	Voluntary Recognition Procedures
1110.50	Representation Petitions
1110.60	Decertification Petitions
1110.70	Timeliness of Petitions and Bars to Elections
1110.80	Showing of Interest
1110.90	Posting of Notice
1110.100	Processing of Petitions Seeking an Election
1110.105	Processing of Majority Interest Petitions
1110.110	Consent Elections
1110.120	Bargaining Unit Determinations
1110.130	Eligibility of Voters
1110.140	Conduct of the Election
1110.150	Objections to the Election
1110.160	Petitions for Clarification of the Bargaining Unit
1110.170	Petitions to Amend Certification
1110.180	Petitions for Self-Determination

1110.APPENDIX A [Sample Model](#) Authorization Card

**AUTHORITY:** Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i) and 9].

**SOURCE:** Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7938, effective May 28,

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2004; amended at 35 Ill. Reg. 14447, effective August 12, 2011; amended at 38 Ill. Reg. 8375, effective April 1, 2014; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1110.40 Voluntary Recognition Procedures**

- a) Voluntary recognition procedures may not be used under the following circumstances:
  - 1) whenever another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
  - 2) whenever there has been a valid representation election or a majority interest petition has been dismissed within the preceding 12 months;
  - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.
- b) An employee organization is not required to follow voluntary recognition procedures prior to employing majority interest procedures.
- c) Whenever a party intends to use the voluntary recognition procedures, the party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:
  - 1) the name and address of the employer;
  - 2) the name, address, and affiliation, if any, of the employee organization to be recognized;
  - 3) a description of the proposed bargaining unit;
  - 4) the approximate number of employees in the proposed bargaining unit;
  - 5) the reasons why the employee organization appears to represent a majority of the employees;
  - 6) the date on which the employer posted or intends to post the voluntary recognition notice; and

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- 7) a copy of the voluntary recognition notice that has been or will be posted.
- d) The employer must post the voluntary recognition notice provided by the Board ~~on the date specified in the notification filed with the Board~~ on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. ~~The notice must be on a form developed by the Board, and must contain the following:~~
- 1) ~~a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;~~
  - 2) ~~the name and affiliation, if any, of the employee organization to be recognized;~~
  - 3) ~~a description of the proposed bargaining unit;~~
  - 4) ~~the date of posting; and~~
  - 5) ~~the date by which a competing claim of representation must be filed with the Board, which is the date that the posting period is scheduled to terminate.~~
- e) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to ensure that the notice is not removed or defaced and shall replace any notice that is removed or defaced.
- f) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:
- 1) the name, address, and affiliation, if any, of the employee organization;

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- 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;
  - 3) a description of the proposed bargaining unit;
  - 4) the date the voluntary recognition notice was posted; and
  - 5) the date the posting period is scheduled to terminate.
- g) A competing employee organization's petition must be supported by a showing of interest by *at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized* (Section 7(b) of the Act).
- h) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 through 1110.150.
- i) ~~If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employee organization shall file with the Board a request for voluntary recognition certification. In the alternative, the employer may file such a request. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:~~
- ~~1) the name and address of the employer;~~
  - ~~2) the name, address, and affiliation, if any, of the employee organization;~~
  - ~~3) a description of the proposed bargaining unit;~~
  - ~~4) the number of employees in the proposed bargaining unit;~~
  - ~~5) the dates and locations of the posting of the voluntary recognition notice;~~
  - ~~6) a statement that the notice was not removed or defaced during the posting period; and~~
  - ~~7) a statement describing why the employee organization represents the~~

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~~majority of the employees in the bargaining unit.~~

- ~~ij)~~ The petition must be supported by objective evidence that a majority of the employees in the bargaining unit wish to be represented by the employee organization.
- 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d), will not be considered sufficient evidence of majority status.
  - 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.
- ~~jk)~~ If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the Board will investigate the voluntary recognition request. ~~;~~
- 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.
  - 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.100 Processing of Petitions Seeking an Election**

- a) All parties served with a representation petition seeking an election or a decertification petition shall respond to the petition within seven days after service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good

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cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.

- b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that *there is no reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that, the dismissal may be appealed within 14 days to the Board. If the investigation discloses that *there is reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of seven days notice of the hearing. However, if the only issues remaining between the parties are logistical, e.g., the date of the election, the Executive Director or hearing officer may issue an order directing an election, unless the parties are able to enter into a consent agreement resolving those issues, as provided for in Section 1110.110.
- c) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. Any intervenor who files after the date set for hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j), shall have waived objections to the bargaining unit.
- d) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his or her decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- e) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his or her own motion within seven days after the close of the record. If the hearing officer orders a case

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removed, he or she shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

- f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision. Unless the Board remands the case, it shall issue and serve upon all parties a written decision giving the Board's reasons for its decision.
- g) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. The additional time shall not exceed 90 days. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
- h) Exceptions and Responses
- 1) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Those exceptions and briefs shall be filed with the General Counsel. Copies of all exceptions and briefs shall be served upon all other parties, and a certificate of service shall be attached.
  - 2) Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the General Counsel.~~Board~~ The response shall be~~served~~ served on all parties, and a certificate of service shall be attached. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.
  - 3) A party may also file cross-exceptions and a supporting brief within 14

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days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be filed with the General Counsel.~~Board~~ The response shall be~~served~~ served on all parties, and a certificate of service shall be attached.

- 4) Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. The response shall be filed with the General Counsel.~~Board~~ The response shall be~~served~~ served upon all parties, and a certificate of service shall be attached. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- i) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. The Board will issue and serve upon all parties a written decision, giving the reasons for its decision. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted. An election shall not be held on a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.
- j) Within seven days following the direction of an election, the employer shall furnish all other parties and the Executive Director with a list of the names and addresses of the employees eligible to vote in the election.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.105 Processing of Majority Interest Petitions**

- a) Majority interest procedures may not be used when another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit.
- b) The employer shall provide to the Board and the employee organization a list of employees, as of the date of the petition, within 21~~seven~~ days after receipt of the petition, unless more time, not to exceed 21~~14~~ days, is granted by the Board due to the size of the unit.

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- c) ~~The Upon request of the Board, the~~ employer shall provide to the Board and to the employee organization examples of the employees' signatures within ~~21~~44 days after ~~receipt of the petition~~~~the Board's request~~, unless more time, not to exceed 21 days, is granted by the Board due to the size of the unit. If the employer does not provide the list of employees or the signature examples within the allotted time, the Board shall administratively determine the adequacy of the showing of interest, based upon the evidence submitted by the employee organization. A grant of more time to provide a list of employees or signature examples shall, if necessary, extend the time limitation for certifying an employee organization as exclusive representative.
- d) Within 21 days after receipt of the petition, parties served with the petition ~~may~~shall file a written response to the petition. The response shall set forth the party's position with respect to the appropriateness of the unit, any proposed exclusions from the unit, any allegations of fraud or coercion in obtaining the showing of interest, and any other issues raised by the petition. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. The Board shall certify the employee organization as the exclusive representative ~~within 30 days after service of the petition~~ if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 2) there are no issues of fraud or coercion in obtaining the showing of interest;
  - 3) the petition is otherwise consistent with the Act and with this Part; and
  - 4) either there are no unit appropriateness or exclusion issues or the number of contested positions or employees is not sufficient to affect the determination of majority status.

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- f) Where fraud or coercion in obtaining the showing of interest is alleged, the party or employee alleging fraud or coercion must provide its evidence of fraud or coercion to the Board and to the other parties, including a synopsis of any affidavits submitted to the Board, within 21 days after receipt of the petition or the posting of notice, unless additional time is granted by the Executive Director for good cause shown, such as a joint request, an emergency or whenever the Executive Director believes that it would further the purposes of the Act. The petitioner may file a response no later than seven days following the receipt of that evidence, unless additional time is granted by the Executive Director for good cause shown. The Executive Director shall issue his or her decision within 21 days following the receipt of the petitioner's response.
- g) The employee who alleges fraud or coercion or the parties may file exceptions to the Executive Director's decision and briefs supporting those exceptions no later than seven days after receipt of that decision, and a response to those exceptions may be filed no later than seven days after receipt of the exceptions and briefs. If no exceptions are filed within the seven-day period, the parties and any employee who alleges fraud or coercion will be deemed to have waived their exceptions. The filing of exceptions shall not stay the certification if the alleged fraud or coercion is not sufficient to affect the majority status of the petition.
- h) If the Executive Director determines that there is clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a determination, an election will be conducted according to the procedures set forth in this Part. The election shall be conducted within 45 days after the Executive Director's or the Board's determination, unless proceedings concerning the appropriateness of the unit, exclusions from the unit sufficient to affect majority status, or the timeliness of the petition are pending.
- i) If the Executive Director determines that there is not clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a determination, the Board shall certify the employee organization as the exclusive representative immediately after the Board's determination or within 10 days after service of an unappealed Executive Director's decision if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;

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- 2) the petition is otherwise consistent with the Act and with this Part; and
  - 3) there are no unit appropriateness or exclusion issues, those issues have been resolved, or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- j) If there are unit appropriateness or exclusion issues, but the number of contested positions or employees is not sufficient to affect the determination of majority status, a party may invoke the Board's unit clarification procedures with respect to the contested positions or employees. Invocation of the Board's unit clarification procedures shall not stay the issuance of a certification.
- k) If there are unit appropriateness or exclusion issues, and the number of contested positions or employees is sufficient to affect the determination of majority status, a hearing shall be conducted to resolve these issues. However, no hearing shall be conducted if no issues of material fact are raised, and the employee organization shall be certified as the exclusive representative if otherwise proper. A hearing shall also be conducted when there are issues of material fact concerning the timeliness of the petition under Section 1110.70 ~~of this Part. The hearing shall commence no later than 30 days from service of the petition.~~ The Board shall proceed in accordance with 80 Ill. Adm. Code 1105.10 through ~~1105.70~~105.80, except that:
- 1) The hearing officer's recommended decision shall be issued not later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
  - 2) Exceptions and Responses
    - A) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any party to the proceeding may file a response to any exceptions and supporting briefs within seven days from receipt of a party's exceptions and supporting brief.

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Exceptions and briefs shall be simultaneously filed with the General Counsel Board and served on the parties, and a certificate of service shall be attached.

B) A party may also file cross-exceptions and a supporting brief within seven days from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief within seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the General Counsel Board and served on the parties, and a certificate of service shall be attached.

C) If no exceptions have been filed within seven days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within seven days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

3) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. The Board will issue and serve upon all parties a written decision giving the reasons for its decision.

- l) Interested persons who wish to participate in the hearing shall direct those requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his or her decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- m) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his or her own motion

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within seven days after the close of the record. If the hearing officer orders a case removed, he or she shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

- n) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision. Unless the Board remands the case, it shall issue and serve upon all parties a written decision giving the Board's reasons for its decision.
- o) The Board shall certify the employee organization as exclusive representative immediately upon issuance of the Board's opinion and order, or upon expiration of the time for filing exceptions to the hearing officer's recommended decision, if:
  - 1) the bargaining unit found to be appropriate by the Board is sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient;
  - 2) the employee organization agrees to represent the bargaining unit found to be appropriate;
  - 3) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
  - 4) there is not clear and convincing evidence of fraud or coercion in obtaining the showing of interest; and
  - 5) the petition is otherwise consistent with the Act and this Part.
- p) If the bargaining unit approved by the Board is not sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient, the petitioner may submit a supplemental showing of interest within seven days after receipt of the Board's ruling, may participate in an election according to subsection (r), or may withdraw the petition.

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- q) Petitions to intervene may be filed no later than 14 days after the notice is posted. Intervention shall only be allowed when, as a result of the evidence submitted by the intervenor in support of its showing of interest, the original petitioner no longer has a valid showing of majority interest.
- r) If the valid evidence presented by the employee organization to support its claim of majority status does not constitute a majority showing of interest, but demonstrates that at least 30 percent of the employees in the unit found appropriate desire to be represented for collective bargaining by the employee organization, the Board shall conduct an election in the unit found appropriate if the petition is otherwise consistent with the Act and this Part.
- s) Upon the filing of a petition or at any time thereafter that the case is pending, *a party may allege that the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer* (Section 7(c-5) of the Act). The party must submit its evidence in support of the allegation at the time that it makes the allegation, unless additional time is granted by the Executive Director for good cause shown. Any other party may submit its response to the allegation no later than seven days from receipt of the submission of the party making the allegation, unless additional time is granted by the Executive Director for good cause shown. The Board or its agent shall investigate the allegation. If the Executive Director finds that there is an issue of law or fact that such conduct occurred, the matter shall be set for hearing. The hearing shall be conducted according to the Board's procedures for contested case hearings (80 Ill. Adm. Code 1105.90 through ~~1105.210~~1105.220), except that:
- 1) The Administrative Law Judge's recommended decision shall be issued no later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
  - 2) Exceptions and Responses
    - A) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any other party may file a response to the

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exceptions and briefs no later than seven days after receipt of those exceptions and briefs. Exceptions and briefs shall be simultaneously filed with the General Counsel Board and served on the parties, and a certificate of service shall be attached.

- B) A party may also file cross-exceptions and a supporting brief within seven days from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief no later than seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the General Counsel Board and served on the parties, and a certificate of service shall be attached.
- t) If the Administrative Law Judge, or the Board on *review*, *determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election* (Section 7(c-5) of the Act).
- u) In order for an employee's dues deduction authorization, authorization card, signature on a petition or other evidence to be counted in determining whether an employee organization has demonstrated a majority interest, the employee must be in the bargaining unit on the date the petition was filed.
- v) In cases in which the proposed unit includes professional and nonprofessional employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of each group desires a combined unit. If the majority does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of each group desire a combined unit. If the majority in one of the groups does not vote for a combined unit, but the other group does, the Board will issue a separate certification for the group with majority status.
- w) In cases in which the proposed unit includes craft and non-craft employees, the Board will determine majority status separately for each group. If the employee

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organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of the craft employees does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of craft employees do not vote for a combined unit, the Board will issue a separate certification for the group with majority status.

- x) If a majority interest self-determination petition seeks to accrete employees into an existing unit, the employee organization must demonstrate majority status only among the petitioned-for employees (the employees sought to be added to the existing unit). Assuming that majority status has been demonstrated, the Board will conduct a vote to determine whether a majority of the petitioned-for employees and a majority of the existing bargaining unit desire a unit combining professional and nonprofessional employees if the existing unit contains only professional employees and the petitioned-for employees include, in whole or part, nonprofessional employees, or if the existing unit contains only nonprofessional employees and the petitioned-for employees include, in whole or part, professional employees. If a majority of both groups do not vote for a unit combining professional and nonprofessional employees, the Board will issue a separate certification for a stand-alone unit or units of the petitioned-for employees, ensuring that no certification is issued for a unit when the employee organization has not demonstrated majority status.
- y) When a vote on whether there should be a combined unit is conducted pursuant to subsection (v), (w) or (x), the Board shall not be required to certify the employee organization as the exclusive representative within 30 days after service of the petition.
- z) When a hearing is necessary, the Board shall conclude the hearing process and issue a certification of the entire appropriate unit, if the employee organization has demonstrated majority status in that unit, no later than 120 days after the petition was filed. However, this 120-day period may be extended one or more times by agreement of all the parties to a date certain. In other cases, the Board shall ascertain the employees' choice within 120 days after the petition was filed. However, the Board may extend this 120-day period by 60 days on its own motion or on the motion of a party to the proceeding.

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(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.140 Conduct of the Election**

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.
- b) Absentee ballots will be allowed only where an individual submits a written request to the Board no later than 10 days prior to the election and demonstrates in that request that he or she is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the factual basis for the claim. Mere inconvenience to the individual shall not be cause for the issuance of an absentee ballot.
- c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the number of polling locations and the number of eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to ensure that voters are free from interference, coercion, or intimidation.
- d) The Board's agent is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.
- e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representative".
- f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.
- g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for

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indicating whether they desire a combined professional-nonprofessional unit and a second for indicating choice of representative, except as provided for in Section 1110.105(v).

- h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.
- i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his or her identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside by the Board's agent with appropriate markings.
- j) A voter shall mark a cross (X) or check (✓) in the circle or block designating his or her choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he or she may return it to the Board's agent, who shall give the voter another ballot and shall preserve the spoiled ballot.
- k) A voter shall fold his or her ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his or her ballot.
- m) Prior to the close of the polls, each party shall designate a representative to observe the tallying of the ballots.
- n) Immediately upon the conclusion of the polling, the votes shall be tallied as follows:
  - 1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.

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- 2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.
- 3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled, and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.
- 4) The Board's agent shall count the number of challenged ballots separately. If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.
- 5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the challenged ballots shall be investigated by the Executive Director, who shall issue a recommended decision concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.
- 6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft

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severance, the ballots on choice of representative shall be tallied together.

- 7) When the election includes a vote on a combined professional-nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.
- 8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.
- o) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.
- p) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority, the Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional-nonprofessional units shall be binding on the runoff election.
- q) Where there are three or more choices on the ballot, and either the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election inconclusive and shall order a new election. If there is a tie for second place and the first place choice receives a majority, no new election shall be ordered and the first place choice shall prevail. The results of the craft severance and combined professional-nonprofessional unit votes in the first election shall be binding on the rerun election.
- r) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.160 Petitions for Clarification of the Bargaining Unit**

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- a) An exclusive representative or an employer may file a petition to clarify an existing bargaining unit. The Board shall serve the petition on the other party. The petition shall be signed and shall contain the following:
- 1) the name and address of the employer;
  - 2) the name, address, and affiliation, if any, of the exclusive representative;
  - 3) a description of the existing bargaining unit; and
  - 4) the nature of the proposed clarification and the reasons for the clarification.
- b) The exclusive representative or employer may file an answer to the petition within 14 days following service of the petition. Failure to answer without good cause shall be deemed a waiver of objections to the petition and a waiver of a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely answer.
- c) The Executive Director or his or her agent shall investigate the petition and, if the petition does not present unresolved questions of material fact, the Executive Director shall then issue a Recommended Decision and Order. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion. If the petition presents unresolved questions of material fact, the Executive Director shall set it for a hearing.
- 1) Interested persons desiring to intervene in the hearing shall submit a written request to the hearing officer. The hearing officer shall base his or her decision on whether to allow intervention upon the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, the ability of the parties to represent the interests of the

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person requesting intervention, and the complexity of the proceeding.

- 2) The hearing officer shall inquire into all matters in dispute and shall obtain a full and complete record. The hearing officer shall file and serve upon the parties a recommended disposition of the matter. The hearing officer's recommended decision shall issue within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs. Any findings of fact in the decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
- 3) Exceptions and Responses
  - A) Parties may file exceptions to the hearing officer's recommendations and briefs in support of their exceptions within 14 days after receipt of the recommendation. Those exceptions and briefs shall be filed with the General Counsel. Copies of all exceptions and supporting briefs shall be served upon all other parties, and a certificate of service shall be attached.
  - B) Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the General Counsel. Copies of the response shall be Board and served on all parties, and a certificate of service shall be attached.
  - C) A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Those cross-exceptions and briefs shall be filed with the General Counsel. Copies of all cross-exceptions and supporting briefs shall be served upon all other parties, and a certificate of service shall be attached.
  - D) Any other party may file a response to any cross-exceptions and supporting briefs within 14 days from receipt of a party's cross-exceptions and supporting brief. The response shall be filed with the General Counsel. Copies of the response shall be Board and served on all parties, and a certificate of service shall be attached.

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- E) If no exceptions have been filed within 14 days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- 4) The Board will review the hearing officer's recommendation if a party has filed exceptions ~~pursuant to Section 1105.80(b)~~, or on the Board's own motion. The Board will issue and serve upon the parties a written its decision giving the Board's reasons for its decision~~in accordance with 80 Ill. Adm. Code 1105.80(e) and (e)~~.
- d) The parties may clarify the composition of the bargaining unit by stipulation. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 school days. The employer shall attempt to insure that the notice is not removed or defaced during the posting period and shall replace any notice that is removed or defaced.
- e) During the posting period, interested persons may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board.
- f) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the clarification depending upon whether the clarification is consistent with the Act. If objections have been filed, the Board shall proceed in accordance with subsection (c).
- g) The Board will issue a certification of the clarified unit or dismiss the petition no later than 120 days after the petition was filed. However, if all parties agree, this 120-day period may be extended one or more times to a date certain.
- h) An order of the Board dismissing or granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification, is a final order.

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(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1110.APPENDIX A Sample Model Authorization Card**

I authorize \_\_\_\_\_ (employee organization) \_\_\_\_\_ to be my exclusive collective bargaining representative for all purposes of collective bargaining with my employer,

\_\_\_\_\_.

\_\_\_\_\_  
Name (printed or typed)

\_\_\_\_\_  
Employment position

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

[If a majority of the employees in the bargaining unit sign authorization cards, these cards may be used to obtain recognition without an election.](#)

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1120
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1120.20	Amendment
1120.30	Amendment
1120.40	Amendment
1120.50	Amendment
1120.70	Amendment
1120.80	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: A rule governing motion practice during unfair labor practice investigations will be added. Language clarifying pleadings will be added. It will be clarified that the withdrawal of a charge after the issuance of a complaint is with prejudice. The rule governing affirmative defenses will be rewritten. It will be clarified that an affirmative defense is not waived if it is not included in the answer. Certain corrections and clarifications will be made to Sections 1120.40 and 1120.50 due to the repeal of Section 1105.220. This rulemaking will provide that the notice required to be posted after a finding of an unfair labor practice may be posted physically or by other means similarly calculated to provide proper notice. Certain language concerning the enforcement of subpoenas in compliance proceedings will be deleted, as there will now be such language in the IELRB's General Procedures Rules. References to the Chief Administrative Law Judge will be corrected to refer to the General Counsel.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: 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: 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:

Susan J. Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170

Email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE C: LABOR RELATIONS

## CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## PART 1120

## UNFAIR LABOR PRACTICE PROCEEDINGS

## Section

1120.10	General Statement of Purpose
1120.20	Filing of a Charge
1120.30	Charge Processing and Investigation, Complaints and Responses
1120.40	Hearings
1120.50	Consideration by the Board
1120.60	Requests for Preliminary Relief
1120.70	Compliance Procedures
1120.80	Sanctions

**AUTHORITY:** Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

**SOURCE:** Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 14 Ill. Reg. 1322, effective January 5, 1990; emergency amendments at 16 Ill. Reg. 6052, effective March 30, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13500, effective August 25, 1992; amended at 28 Ill. Reg. 7973, effective May 28, 2004; amended at 35 Ill. Reg. 14474, effective August 12, 2011; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1120.20 Filing of a Charge**

- a) An unfair labor practice charge may be filed with the Illinois Educational Labor Relations Board (the Board) by an employer, an employee organization, or an employee.
- b) Unfair labor practice charges shall be on a form developed by the Board, shall be signed by the charging party, and shall contain:
  - 1) the name, address, and affiliation, if any, of the charging party;
  - 2) the name, address, and affiliation, if any, of the respondent;

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- 3) a clear and complete statement of facts supporting the alleged unfair labor practice, including dates, times and places of occurrence of each particular act alleged, and the ~~Sections~~sections of the Illinois Educational Labor Relations Act [115 ILCS 5] (the Act) alleged to have been violated; and
  - 4) a statement of the relief sought, provided that the statement shall not limit the Board's ability to award relief based on the record.
- c) The Board shall serve a copy of the charge upon the respondent.
  - d) Unfair labor practice charges may be filed no later than six months after the alleged unfair labor practice occurred.
  - e) A charging party may withdraw without prejudice a charge at any time prior to the issuance of a complaint. After issuance of a complaint, a charging party may withdraw a charge only with the approval of the Executive Director. The Executive Director shall approve ~~the~~such withdrawal when he ~~or she~~ finds that the withdrawal is consistent with the Act and this Part and was not obtained fraudulently or through duress. The withdrawal of a charge after the issuance of a complaint shall be with prejudice.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1120.30 Charge Processing and Investigation, Complaints and Responses**

- a) The Board hereby delegates to its Executive Director the authority to investigate charges and issue complaints.
- b) Upon receipt of a charge, the Executive Director shall investigate the charge. Procedures for investigating requests for injunctive relief are set forth in Section 1120.60.
  - 1) The charging party shall submit to the Executive Director all evidence relevant to or in support of the charge. ~~The~~Such evidence may include documents and affidavits.
  - 2) The respondent shall submit to the Executive Director a complete account of the facts, a statement of its position in respect to the allegations set forth

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in the charge and all relevant evidence in support of its position. ~~The~~<sup>Such</sup> evidence may include documents and affidavits.

- 3) The Executive Director may hold an investigatory conference with the parties when the Executive Director determines that ~~the~~<sup>such</sup> investigatory conference will facilitate efforts; to explore whether the charge can be resolved informally or the facts stipulated; and to further develop the record for determination of whether the charge states an issue of law or fact.
  - 4) Motions shall be directed to the Executive Director. All motions must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all other parties simultaneously with their filing with the Executive Director. Other parties shall have seven days to file a response and serve that response on all other parties simultaneously with the filing with the Executive Director.
  - 54) If the Executive Director concludes that the investigation has established that there is *an issue of law or fact* sufficient to warrant a hearing, he ~~or~~<sup>she</sup> shall issue a complaint (Section 15 of the Act). In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. The complaint shall specify the charges and shall be served on the respondent and the charging party.
  - 65) If the Executive Director concludes that the investigation has established that there is not an issue of law or fact sufficient to warrant a hearing, the Executive Director shall dismiss the charge. In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. Notice of dismissal shall be served on the respondent and the charging party.
- c) The charging party may file exceptions to the Executive Director's dismissal of the charge and briefs in support of those exceptions. Exceptions must be filed with the Board no later than 14 days after service of the notice of dismissal.

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Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. ~~The~~~~Such~~ response shall be filed with the Board and served on all parties. The Board may review the Executive Director's decision on its own motion. In reviewing the exceptions, the Board will consider whether the Executive Director's decision is consistent with the Act and this Part and whether there has been an abuse of discretion.

- d) Whenever an unfair labor practice complaint is issued, the respondent must file an answer within 15 days after service of the complaint.
- 1) The answer shall include a specific admission, denial or explanation of each allegation of the complaint or, if the respondent is without knowledge ~~of the allegation thereof~~, it shall so state and ~~that~~~~such~~ statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation, but shall fairly meet the allegation.
  - 2) The answer shall also include a specific, detailed statement of any affirmative defenses, including, but not limited to, res judicata, mootness or waiver~~allegations that the violation occurred more than six months before the charge was filed, that the Board lacks jurisdiction over the matter, or that the complaint fails to allege an unfair labor practice. An affirmative defense is not waived if it is not included in the answer.~~
  - 3) Failure to file a timely answer shall be deemed an admission of all allegations in the complaint. Failure to respond to any particular allegation of the complaint shall be deemed to be an admission of that particular allegation. Filing of a motion will not stay the time for filing an answer.
  - 4) When a party has failed to file a timely answer, the Administrative Law Judge shall issue an order to show cause why allegations of the complaint should not be deemed admitted. Leave to file a late answer may be granted by the Administrative Law Judge in the absence of prejudice to the other parties if substantial justice is being done between the parties and if it is reasonable, under the circumstances, to compel the other parties to go to hearing on the merits. If leave to file a late answer is granted, the answer shall be deemed timely.

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(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1120.40 Hearings**

- a) Upon the issuance of a complaint, the Executive Director shall set the matter for hearing before an Administrative Law Judge. All parties shall be given at least five days' notice of the hearing. The notice shall comply with Section 10-25(a) of the Illinois Administrative Procedure Act [5 ILCS 100/~~10-25(a)~~].
- b) Interested persons who wish to intervene in the hearing shall direct such requests to the Administrative Law Judge. The request shall be in writing and shall state the grounds for intervention. The Administrative Law Judge shall have discretion to grant or deny the request for intervention. In determining whether to grant the request, the Administrative Law Judge shall base his decision on the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, and the ability of the parties to represent the interests of the person requesting intervention.
- c) The Board will encourage Administrative Law Judges to schedule voluntary prehearing conferences with the parties when it appears that ~~thosesuch~~ conferences will aid in narrowing or resolving issues.
- d) On motion of a party made prior to the close of the hearing and with the approval of the ~~General Counsel~~~~Chief Administrative Law Judge~~, the Administrative Law Judge may certify an issue to the Board for a ruling prior to the issuance of the Administrative Law Judge's recommended decision and order. An issue may be certified to the Board only if the Administrative Law Judge finds that the case involves an issue of law as to which there is substantial ground for difference of opinion and that an immediate appeal on the issue may materially advance the termination of the case. The Administrative Law Judge shall rule on the motion within seven days after a response to the motion is received or is due pursuant to 80 Ill. Adm. Code 1105.100(e)(2). The parties may file briefs concerning the certified issue no later ~~than~~ 21 days after the Administrative Law Judge's certification. Within 60 days after the last day that briefs must be filed, the Board shall rule on the certified issue or shall remand the issue to the Administrative Law Judge upon a finding that certification of the issue is inappropriate. Intermediate rulings of the Administrative Law Judge shall not otherwise be subject to interlocutory appeal. Parties may raise objections to ~~such~~ intermediate

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rulings in their exceptions to the Administrative Law Judge's recommended decision or, if there is no recommended decision, in their briefs to the Board.

- e) The Complainant shall present the case in support of the complaint. *The respondent may present evidence in defense against the charges* (Section 15 of the Act).
- f) The Administrative Law Judge shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the Administrative Law Judge. Within 14 days after the close of the record, the Administrative Law Judge shall rule on the motions. The Administrative Law Judge may also order the case removed to the Board on his or her own motion within ~~14~~fourteen days after the close of the record. If the Administrative Law Judge orders a case removed, he or she shall certify that there are no determinative issues of fact that require an Administrative Law Judge's recommended decision.
- g) Within seven days after removal, a party may move the Board to remand the case to the Administrative Law Judge, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 60 days, the motion to remand will be deemed denied. In cases removed to the Board, the Board shall remand the case if at any time it determines that the case presents issues of material fact requiring an Administrative Law Judge's recommended decision. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.
- h) In cases not removed to the Board and in cases remanded to the Administrative Law Judge, the Administrative Law Judge shall file and serve on the parties a recommended decision giving the reasons for the decision as promptly as possible based on the length of the record and the complexity of the issues involved.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1120.50 Consideration by the Board**

- a) Exception and Responses

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- 1) In cases in which there is a recommended decision, the parties may file exceptions to the Administrative Law Judge's recommendation and briefs in support of those exceptions. Briefs and exceptions shall be filed with the General Counsel no later than 21 days after service of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties, and a certificate of service shall be attached.
  - 2) Any party to the proceeding may file a response to any exceptions and supporting briefs within 21 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the General Counsel. ~~The response shall be~~ served on all parties, ~~and a certificate of service shall be attached.~~
  - 3) A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions shall be filed with the General Counsel ~~Board~~ and served on all other parties, and a certificate of service shall be attached.
  - 4) Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. The response shall be filed with the General Counsel ~~Board~~ and served upon all parties, and a certificate of service shall be attached.
  - 5) If no exceptions have been filed within 21 days after service of the Administrative Law Judge's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- b) The Board will review the Administrative Law Judge's recommendation if a party has filed exceptions pursuant to 80 Ill. Adm. Code 1105.220(b) or on the Board's own motion. In cases removed to the Board, the parties will file briefs in the manner directed by the Board, the manner to include the dates on which briefs will be due and the subjects to be addressed in the briefs, as specified by the Board. In cases in which exceptions are filed and those that are removed to the Board, the Board shall issue and serve on all parties a written ~~its~~ decision and order that includes its reasons for its decision ~~in accordance with 80 Ill. Adm.~~

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~~Code 1105.220(c) through (e).~~

- c) If the remedy ordered after a finding of an unfair labor practice includes the posting of a notice, the notice may be posted physically or by other means similarly calculated to provide proper notice. The means of posting shall be agreed to by the parties and the Executive Director. If the parties and the Executive Director are not able to agree on the means of posting, the Executive Director shall determine the means of posting.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1120.70 Compliance Procedures**

- a) The compliance procedures set forth in this Section shall commence once a ~~respondent~~Respondent:
- 1) has failed to file exceptions to a Recommended Decision and Order of an Administrative Law Judge;
  - 2) has failed to appeal a final order of the Board; or
  - 3) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a ~~respondent~~Respondent to take certain affirmative action or to refrain from engaging in any action.
- b) If, upon the occurrence of any of the events designated in ~~subsection~~ Section 1120.70(a), a party asserts that compliance has not occurred, a compliance investigation shall be conducted.
- c) If the investigation discloses that there are no issues of law or material fact as to whether compliance has occurred, the Executive Director shall issue a Recommended Decision and Order determining whether compliance has occurred. If there is an issue of law or material fact as to whether compliance has occurred, a compliance hearing shall be conducted.
- d) The compliance hearing shall be conducted by the Executive Director or his or her designee and shall be conducted in accordance with the Board's ~~rules~~Rules for hearing procedures in contested cases (~~80 Ill. Adm. Code~~Section 1105.90 through

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1105.230). At the hearing, the parties to the matter shall be afforded the opportunity to present testimony, documents, affidavits, and/or any other information, in addition to their positions, on the matter of ~~respondent's~~ Respondent's compliance with the order. If backpay is at issue, ~~the complainant~~ Complainant shall present a specification of the amount due, supported by evidence if necessary. The ~~respondent~~ Respondent shall have the burden of proving that the backpay claimant has failed to mitigate damages or is not entitled to backpay for any other reason. The subpoena power shall continue during compliance proceedings. ~~A party may be awarded its costs and reasonable attorney's fees incurred in seeking enforcement of a subpoena when the noncompliant party has, in refusing to comply with the subpoena, made allegations or denials without reasonable cause that are found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.~~

- e) Within 30 days after the compliance hearing described in subsection (d), the Executive Director or his or her designee shall cause to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved. The 30-day period may be extended upon agreement of the parties.
- f) Exceptions and Responses
- 1) Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached.
  - 2) Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. The response shall be filed with the Board and served on all parties.
  - 3) A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached.
  - 4) Any other party may file a response to the cross-exceptions and supporting

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brief within 14 days from receipt of the cross-exceptions and supporting brief. The response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached.

5) If no exceptions have been filed within 14 days after service of the Executive Director's recommendation, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- g) The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1120.80 Sanctions**

- a) *The Board's order may, in its discretion, also include an appropriate sanction, based on the Board's rules and regulations, if the other party has made allegations or denials without reasonable cause and found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation. The State of Illinois or any agency thereof shall be subject to these provisions in the same manner as any other party. (Section 15 of the Act)*
- b) The Board may award sanctions for such written *allegations* or *denials*, including statements stenographically recorded during the course of Board proceedings.
- c) *The sanction may include an admonition or reprimand; striking an offending allegation or denial; an order to pay the other party or parties' reasonable expenses including costs and reasonable attorney's fees (Section 15 of the Act) or an appropriate portion thereof; and/or any other appropriate sanction. Sanctions are to be awarded only against a party or parties to the proceeding.*
- d) Any party to an unfair labor practice proceeding may move for sanctions. The motion for sanctions must be a succinct statement identifying the allegations and/or denials and/or incidents of frivolous litigation alleged to be subject to sanctions, with citations to the record, and succinct arguments. The party subject to the motion for sanctions shall have 14 days after service of the motion to respond or withdraw the paper or position that is the basis of the motion. Neither

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the motion for sanctions nor the response may be used as an additional brief on the merits of the underlying case.

- 1) Motions for sanctions may be filed with the Executive Director while an unfair labor practice charge is pending before the Executive Director. ~~These~~Such motions shall be filed no later than 7 days after receipt of the Executive Director's notice that investigation of the unfair labor practice charge has been completed, or that a party has withdrawn the unfair labor practice charge. Sanctions before the Executive Director may only be sought for instances of frivolous litigation.
  - 2) Once an unfair labor practice complaint has been issued, motions for sanctions may be filed with the Administrative Law Judge or, in the event that an Administrative Law Judge has not been named, with the ~~General Counsel~~Chief Administrative Law Judge, while an unfair labor practice complaint is pending before the Administrative Law Judge or the ~~General Counsel~~Chief Administrative Law Judge. ~~These~~Such motions shall be filed no later than 7 days after receipt of the last post-hearing brief scheduled to be filed, or no later than 7 days after the close of the hearing, if no briefs are to be filed. Sanctions before the Administrative Law Judge or ~~General Counsel~~Chief Administrative Law Judge may be sought for both allegations or denials made without reasonable cause and found to be untrue and/or instances of frivolous litigation.
  - 3) Once the Administrative Law Judge has issued a Recommended Decision and Order, or the Executive Director has issued a Recommended Decision and Order dismissing an unfair labor practice charge, the Recommended Decision and Order is pending before the Board. ~~These~~Such motions shall be filed no later than 7 days after receipt of the last brief scheduled to be filed with the Board, or no later than 7 days after oral argument before the Board, if ~~such~~ argument occurs after all briefing is completed. Sanctions before the Board may be sought for both allegations or denials made without reasonable cause and found to be untrue and/or instances of frivolous litigation.
- e) A party may request sanctions from the Board for an *allegation or denial made without reasonable cause and found to be untrue* ([Section 15 of the Act](#)) even though it did not move for sanctions on that allegation or denial before the Administrative Law Judge, and even though the Administrative Law Judge did

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not recommend sanctions on ~~thesuch~~ allegation or denial.

- f) A party may not request sanctions from the Board for alleged frivolous litigation for the purpose of delay or needless increase in the cost of litigation before the Executive Director or Administrative Law Judge, unless it requested sanctions from the Executive Director or Administrative Law Judge as to ~~thesuch~~ alleged incident of frivolous litigation, or unless the Executive Director or Administrative Law Judge recommended sanctions as to ~~thesuch~~ alleged incident of frivolous litigation.
- g) Except as provided in subsection (h) ~~below~~, an order for sanctions shall be included in the Executive Director's Recommended Decision and Order, the Administrative Law Judge's Recommended Decision and Order, or the Board's Opinion and Order.
- h) If neither party has moved for sanctions, the Executive Director, Administrative Law Judge, or Board may sua sponte issue an Order to Show Cause why this ~~Part~~ rule has not been violated. The party or parties to whom the Order to Show Cause is directed shall have 14 days from the service of that Order to file a response. Any other party or parties shall have 14 days from service of that response within which to file a reply. The Order to Show Cause shall recite the conduct or circumstances at issue.
- i) An order leveling sanctions shall recite the conduct or circumstances for which sanctions are sought, and explain the basis for the sanction imposed.
- j) These amendments apply to allegations or denials and frivolous litigation occurring on or after January 1, 1992. Any deadline provided in this Section ~~above~~ for filing a motion for sanctions shall be waived for allegations and denials and frivolous litigation occurring between January 1 and August 25, 1992 ~~and the effective date of these amendments~~, providing that ~~thesuch~~ motions ~~were~~ are filed by September 30, 1992.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Fair Share Fee Objections
- 2) Code Citation: 80 Ill. Adm. Code 1125
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1125.20	Amendment
1125.80	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will provide for electronic service of the notice of the fair share fee on the objectors. This rulemaking will address the distribution of fair share funds. This rulemaking will also provide that if an objector to whom funds from the escrow account are due cannot be located within the period set forth in the Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq., the funds will be presumed abandoned and will be paid to the State Treasurer. This rulemaking will provide that where the parties cannot agree on a charity to receive the funds in the case of a religious objection even after receiving the IELRB's list of approved charities, the IELRB will provide the parties with a panel of three charities taken from the list. If the parties still cannot agree on a charity, the IELRB will select a charity from the panel. A reference to the Chief Administrative Law Judge will be corrected to refer to the Executive Director.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: 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:

Susan J. Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170  
email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
  - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016.

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

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE C: LABOR RELATIONS

## CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## PART 1125

## FAIR SHARE FEE OBJECTIONS

## Section

1125.10	General Statement of Purpose
1125.20	Notice of Fair Share Fees
1125.30	Objections to Fair Share Fees
1125.40	Escrow Accounts
1125.50	Responses to Objections (Repealed)
1125.60	Consolidation of Fair Share Fee Objections
1125.70	Investigation of Fair Share Fee Objections
1125.80	Hearings
1125.90	Consideration by the Board (Repealed)
1125.100	Internal Review Procedure

**AUTHORITY:** Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

**SOURCE:** Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amended at 13 Ill. Reg. 1784, effective January 31, 1989; emergency amendments at 13 Ill. Reg. 15469, effective September 13, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 2873, effective February 9, 1990; amended at 28 Ill. Reg. 7984, effective May 28, 2004; amended at 35 Ill. Reg. 14481, effective August 12, 2011; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1125.20 Notice of Fair Share Fees**

- a) At least ~~fourteen~~(14) calendar days prior to commencement of payroll deductions of fair share fees, the exclusive representative shall provide notice to all nonmembers of the fair share fee and the right to file an objection. ~~TheSuch~~ notice shall be provided to nonmembers in a manner calculated to provide proper notice, which may include personal delivery, notice by mail, or notice by posting

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in a place where employee notices are customarily posted or, if no such place exists, posting in a conspicuous place. The notice of the fair share fee may also be provided to nonmembers electronically unless otherwise requested.

- b) Notice shall be on a form developed by the Board or a form developed by the exclusive representative and shall contain the following information:
- 1) the names of the employer and exclusive bargaining representative;
  - 2) the effective date and duration of the collective bargaining agreement authorizing the fair share fee;
  - 3) the amount of the fair share fee, expressed either as a dollar amount or as a percentage of regular union dues, and the period for which it is assessed;
  - 4) a description of how the fair share fee was calculated, including the major categories of expenses made by the exclusive representative during the most recent fiscal year, verified by an independent auditor;
  - 5) a statement that the nonmember has the right under the Act to object to the amount of the fee by filing an objection with the Board and that the nonmember can obtain additional information about the objection procedure from the Board; and
  - 6) a statement advising fee payers that employees who object to payment of a fair share fee because of *bonafide religious tenets; or teaching of a church or religious body of which such employees are members may pay an amount equal to their fair share contribution to a non-religious charitable organization* (as provided in Section 11 of the Act).
- c) Whenever there is a change in the amount of the fair share fee, an updated notice shall be provided to nonmembers in a manner consistent with subsection (a) ~~of this Section.~~
- d) Upon request, the employer shall give the exclusive representative access to appropriate bulletin boards and other locations for purposes of posting the notice required by this Section.
- e) The exclusive representative shall certify in writing to the employer that notice

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has been provided to nonmembers in accordance with this Section. No payroll deductions of fair share fees shall be made until at least 14 calendar days after ~~that~~ certification.

- f) Once notice of the fair share fee has been provided to a newly hired employee in accordance with this Section, fair share fees may be collected from ~~the~~ employee ~~fourteen~~(14) calendar days after the employee's first day of employment.
- g) Compliance with this Section does not mean that the exclusive representative has complied with all legal notice requirements as may be required by judicial decisions. The legal responsibility for providing adequate notice remains with the exclusive representative.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1125.80 Hearings**

- a) Except as otherwise provided in this Section, hearings on fair share fee objections shall proceed in the same manner as hearings in both contested cases, as set forth in 80 Ill. Adm. Code 1105, Subpart B, and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1120.40.
- b) The ~~Executive Director~~~~Chief Administrative Law Judge~~ shall appoint a fair share Administrative Law Judge to hold an evidentiary hearing and render a Recommended Decision and Order on the fair share fee objections.
- c) The burden of proof shall be on the exclusive representative.
- d) The hearing set forth in subsection (b); shall commence no later than 60 days from the last day for filing ~~of~~ an objection pursuant to Section 1125.30(a). When objections involving two or more bargaining units are consolidated pursuant to Section 1125.60, the hearing shall commence no later than 60 days from the last day for filing ~~of~~ an objection for any of the bargaining units. A Recommended Decision and Order shall be issued within 60 days after the close of the record, unless additional time (up to 30 days) is required due to the length of the record and/or the complexity of the issues involved. The close of the record does not occur until the Administrative Law Judge orders that it be closed, either at the hearing or after holding the record open for a period for purposes such as allowing

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a party to provide additional evidence or to attempt to settle objections. The Recommended Decision and Order or a summary of the Recommended Decision and Order shall be served on all parties to the proceeding. A party receiving a summary of the Recommended Decision and Order shall be entitled to receive a copy of the full Recommended Decision and Order on request.

- e) Within 21 days after receipt of the Recommended Decision and Order, any party may file exceptions and briefs in support of those exceptions with the General Counsel Board. A party may also file cross-exceptions and a supporting brief within 14 days after receipt of another party's exceptions and supporting brief. If no exceptions have been filed within 21 days after service of the Recommended Decision and Order, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- f) If timely exceptions are filed, the Board shall issue and serve on all parties a copy or a summary of its decision and order. A party receiving a summary of the Board's decision and order shall be entitled to receive a copy of the full decision and order on request.
- g) Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the objector's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board shall disburse the amount held in escrow to the employee and the exclusive representative in accordance with its determination in the case. Interest earned by disputed fees during the time they were held in escrow shall be apportioned pro rata between the employee and the exclusive representative.
- h) When an objector to whom funds from the escrow account are due cannot be located within the period set forth in the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], the funds will be presumed abandoned and will be paid to the State Treasurer in accordance with the provisions of that Act.
- i) When, in the case of a religious objection to fair share fees, the parties are unable to agree on a non-religious charitable organization to receive an amount equal to the employee's proportionate share even after receiving the Board's approved list of charitable organizations established pursuant to Section 11 of the Act, the Board will provide the parties with a panel of three charitable organizations taken

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from the list. If the parties still cannot agree on a charitable organization, the Board will select a charitable organization from the panel.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Collective Bargaining and Impasse Resolution
- 2) Code Citation: 80 Ill. Adm. Code 1130
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1130.20	Amendment
1130.30	Amendment
1130.60	Repealed
- 4) Statutory Authority: Authorized by Sections 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will provide that the IELRB will invoke mediation upon request from one of the parties. This rulemaking will make specific that requests for mediation may be filed by emailing them to at the IELRB's general mailbox. This rulemaking will eliminate the requirement that employers file collective bargaining agreements with the IELRB.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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: 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:

Susan J. Willenborg

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General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago IL 60601-3103

312/793-3170  
email: Susan.Willenborg@illinois.gov

Comments received by the Illinois Educational Labor Relations Board will be available to members of the public upon written request.

- 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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
  - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016. The July 2016 regulatory agenda stated that the IELRB's changes to the Rules would provide that documents in general may be filed by emailing them to the IELRB's general mailbox. This rulemaking will make that specific for requests for mediation.

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE C: LABOR RELATIONS  
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1130  
COLLECTIVE BARGAINING AND IMPASSE RESOLUTION

## Section

1130.10	General Statement of Purpose
1130.20	Notices and Timetable for Bargaining
1130.30	Mediation
1130.35	Notification and Public Posting Procedures
1130.40	Notice of Intent to Strike
1130.50	Fact Finding and Interest Arbitration
1130.55	Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code
1130.60	Filing of Agreements ( <a href="#">Repealed</a> )
1130.70	Grievance Arbitration and No Strike Clauses
1130.80	Illinois Educational Labor Mediation Roster

**AUTHORITY:** Implementing Sections 10, 12 and 13, and authorized by Section 5(i), of the Illinois Educational Labor Relations Act [115 ILCS 5/10, 12, 13 and 5(i)].

**SOURCE:** Emergency adoption at 8 Ill. Reg. 8645, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22538, effective November 5, 1984; amended at 28 Ill. Reg. 7989, effective May 28, 2004; amended at 38 Ill. Reg. 8379, effective April 1, 2014; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1130.20 Notices and Timetable for Bargaining**

- a) **Newly Certified Representatives**  
In units for which exclusive representatives have been newly certified, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code [105 ILCS 5/Art. 34] and an exclusive representative of its employees, this subsection (a) shall apply. For purposes of this subsection (a), newly certified representatives are representatives that have not yet reached a collective bargaining agreement after their certification under the Illinois Educational Labor Relations Act [115 ILCS 5].

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- 1) *Upon demand of either party, collective bargaining between the employer and an exclusive collective bargaining representative must begin within 60 days after the date of certification of the exclusive representative by the Board. Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into. [115 ILCS 5/12(a)]*
  - 2) If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.
  - 3) If no agreement has been reached within 45 days after bargaining was initiated, the parties shall file a notice with the Board. In addition to the requirements of subsection(d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, the Board shall invoke mediation upon request of a party.
  - 4) If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, the Board shall invoke mediation upon request of a party.
- b) Existing Representatives  
In units represented by existing exclusive representatives, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees, the rules in this subsection (b) shall apply:
- 1) Upon demand of either party, collective bargaining must begin within 60 days after the receipt of the demand to bargain by the other party. *Once*

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*commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into [115 ILCS 5/12(a)].*

- 2) If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.
- 3) If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a second notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, the Board shall invoke mediation upon request of a party.
- c) All notices filed under this Section may be filed jointly, signed by both parties. If the notice is not filed jointly, each party shall file a separate notice and serve a copy on the other party. Notices under this Section will be considered filed on the date they are received by the Board.
- d) All notices filed under this Section shall be on a form developed by the Board and shall contain the following:
  - 1) the name, affiliation, if any, and address of the exclusive representative;
  - 2) the name and address of the employer;
  - 3) the expiration date of the existing collective bargaining agreement, if any;
  - 4) the date of the scheduled start of the forthcoming school year; and
  - 5) a brief report on the status of negotiations, including the date negotiations began.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1130.30 Mediation**

- a) This Section shall apply to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees.
- b) Mediation services will be provided at any time upon joint request of the parties.
- c) Mediation may be invoked upon request of one party ~~or upon the Board's own motion~~ *if, after a reasonable period of negotiation and within 90 days prior to the scheduled start of the forthcoming school year, the parties engaged in collective bargaining have reached an impasse* [115 ILCS 5/12(a)].
- d) Mediation will automatically be invoked by the Board upon request of a party ~~if not requested by the parties~~ 45 days after bargaining has begun in units for which exclusive representatives have been newly certified or 45 days prior to the scheduled start of the forthcoming school year.
- e) Within two days after the Board invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike while the stipulation is in effect. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board.
- f) Requests for Mediation
  - 1) Requests for mediation shall be in writing and shall be submitted to the Board's Chicago office at the following address:

Illinois Educational Labor Relations Board  
160 N. LaSalle St., Suite N-400  
Chicago IL 60601
  - 2) Requests for mediation may also be submitted to the Board's electronic mailbox (ELRB.mail@illinois.gov). The request shall be signed by the requesting party or by both parties, if joint.

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- g) Requests and joint requests for mediation shall be on a form developed by the Board and shall include:
- 1) the name, affiliation, if any, and address of the requesting party;
  - 2) the name, affiliation, if any, and address of the other party to collective bargaining;
  - 3) the date collective bargaining began;
  - 4) the date the existing contract, if any, is scheduled to expire; and
  - 5) the date of the scheduled start of the forthcoming school year.
- h) When the Board receives a request from one party, it shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part, and that the bargaining has not resulted in an agreement and the Board concludes that mediation would assist the parties, the Board shall invoke mediation. In determining whether mediation would assist the parties, the Board shall consider such factors as the number of meetings that have occurred, the number of issues in dispute, the significance of the issues in dispute, the degree of experience of the representatives of the parties in the bargaining process, and the collective bargaining history of the parties.
- i) Whenever the Board receives a joint request for mediation, or whenever the Board invokes mediation, or whenever the Board has not approved a stipulation to defer selection of a mediator within two days after invocation of mediation, or whenever such a stipulation has been withdrawn, the Board shall submit to the parties a panel of three proposed mediators selected from the Illinois Educational Labor Mediation Roster. Within three days following receipt of the panel, the parties shall select one of the names on the panel or any other person they choose to serve as mediator. Whenever the parties agree to select a mediator through the Federal Mediation and Conciliation Service, the American Arbitration Association, or any other source, they shall notify the Board of their selection. If the parties fail to agree on a mediator within the three day period, the Board shall appoint a mediator.
- j) The mediator may hold joint and separate conferences with the parties. The

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conferences shall be private unless the mediator and the parties agree otherwise.

- k) Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by the mediator on behalf of any party to any cause pending in any type of proceeding.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1130.60 Filing of Agreements (Repealed)**

~~Within 60 days after a collective bargaining agreement has been reached, each educational employer shall file a copy of the agreement with the Board.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.473                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking would amend 89 Ill. Adm. Code 140.473 to expand the eligibility group for the Medically Fragile Technology Dependent 1915(c) waiver program to include clients who had been waiver participants before turning 21 years of age and are now 21 years of age or more.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.425	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.523	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.421	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.469	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.491	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.494	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.80	Amendment	40 Ill. Reg. 14999; November 4, 2016
- 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: Any interested parties may submit comments, data, views, or arguments

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

Mollie Zito  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3rd Floor  
Springfield IL 62763-0002

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

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: 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 summarized on the July 1, 2016 HFS Regulatory Agenda.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

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- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services

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140.436	Limitations on Advanced Practice Nurse Services
140.438	Diagnostic Imaging Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
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140.446	Over-the-Counter Items
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140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Services
140.453	Definitions
140.454	Types of Mental Health Services
140.455	Payment for Mental Health Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Hospital-Based and Encounter Rate Clinic Payments
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics (Repealed)
140.467	Independent Clinics
140.469	Hospice
140.470	Eligible Home Health Care, Nursing and Public Health Providers
140.471	Description of Home Health Care Services
140.472	Types of Home Health Care Services
140.473	Prior Approval for Home Health Care Services
140.474	Payment for Home Health Care Services
140.475	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made

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140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
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140.484	Payment for Family Planning Services
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140.490	Medical Transportation
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## SUBPART E: GROUP CARE

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140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
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**AUTHORITY:** Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective

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November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and

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140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150

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days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill.

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Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency

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amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September

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20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill.

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Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg.

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12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.473 Prior Approval for Home Health Care Services**

- a) Prior approval is required for the provision of home health services described in Section 140.472. The decision to approve or deny a request for prior approval will be made within 21 days after the date the request is received or within 21 days after receipt of additional information, whichever occurs later. Prior approval is also required for participants needing more than one skilled nursing visit per day.
- b) Prior approval is required for the provision of all home health services to terminally ill participants covered under the Transitional Assistance Program and the Family and Children Assistance Program.
- c) Effective July 1, 2012, prior approval is not required for intermittent skilled nursing services provided by a home health agency provider for participants within the first 60 days after discharge from an acute care or rehabilitation hospital when services are initiated within 14 days after discharge.

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- d) Prior approval is required for all in-home shift nursing for ~~individual children~~ who are under 21 years of age or who receive services under the Illinois Home and Community-Based Services Waiver for Persons who are Medically Fragile, Technology Dependent (MFTD Waiver). The decision to approve or deny a request for prior approval will be made within 21 days after the date the request is received or within 21 days after receipt of additional information, whichever occurs later. Review of services for ~~individual children~~ eligible for in-home shift nursing under the ~~MFTD Waiver~~ Illinois Home and Community Based Services Waiver for Medically Fragile, Technology Dependent Children will be made in accordance with 89 Ill. Adm. Code 120.530.
- e) Approval will be granted when, in the judgment of a consulting physician and subject to the review of the professional staff of the Department, the services are medically necessary and appropriate to meet the participant's medical needs.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150                      Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1, and 27
- 5) A Complete Description of the Subjects and Issues Involved: 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 October 27, 2016, proposing amendment in docket R17-2 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The R17-2 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. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2016 through June 30, 2016:

February 25, 2016  
(81 Fed. Reg. 9339)

USEPA revised the existing exclusion of tertiary-butyl acetate (t-Bac) to totally exclude t-Bac from the federal definition of VOC.

The Board deviated from the literal text of the USEPA amendment by parenthetically adding the systematic name and CAS number for t-Bac and placing the compound in alphabetic order. The Board further added systematic names and CAS numbers for other excluded compounds in the list.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-2 which list numerous corrections and revisions that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendment underlying this amendment, as well as corrections and clarifications that the Board made in the base text

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involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R17-2.

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 Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace emergency rule 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 pending on this Part? Yes
- | <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u>     |
|------------------------|-------------------------|--|
| 211.4720               | New Section             | 40 Ill. Reg. 13580; September 30, 2016 |
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-2 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

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The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2014)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

1:45 p.m., December 7, 2016  
Room 11-512  
James R. Thompson Center  
100 W. Randolph St.  
Chicago IL 60601

and

Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue  
Springfield

Comments should reference docket R17-5 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-2:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
312/814-6924  
email: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that use or emit the affected chemicals that are proposed for deletion from the definition of VOM. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 8832; July 1, 2016

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

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

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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

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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

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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

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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 <sub>x</sub> 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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 <sub>x</sub> 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015; amended in R17-2 at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART B: DEFINITIONS

**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)~~

~~2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5) 2-Amino-2-methyl-1-propanol~~

~~Bis(difluoromethoxy)(difluoro)methane ( $\text{CHF}_2\text{OCF}_2\text{OCHF}_2$  or HFE-236cal2, CAS No. 78522-47-1)~~

~~1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane~~

~~( $\text{CHF}_2\text{OCF}_2\text{CF}_2\text{OCHF}_2$  or HFE-338pcc13, CAS No. 188690-78-0)~~

~~tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)~~

~~1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)~~

~~Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)~~

~~1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)~~

~~Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)~~

~~Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)~~

~~2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)~~

~~(1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. 29118-24-9)~~

~~1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-~~

~~trifluoromethylpentane 1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- ~~4-trifluoromethyl-pentane~~ (HFE-7300, [CAS No. 132182-92-4](#)~~14787~~, or  $C_2F_5CF(OCH_3)CF(CF_3)_2$ )
- [1-Chloro-4-\(trifluoromethyl\)-benzene](#) (parachlorobenzotrifluoride (PCBTF), [CAS No. 98-56-6](#))
- [1,1,1,2,3,4,4,5,5,5-Decafluoropentane](#) (HFC 43-10mee, [CAS No. 138495-42-8](#))
- Dichlorodifluoromethane (CFC-12, [CAS No. 75-71-8](#))
- [1,1-Dichloro-1-fluoroethane](#) (HCFC-141b, [CAS No. 1717-00-6](#))
- [Dichloromethane](#) (methylene chloride, [CAS No. 75-09-2](#))
- [3,3-Dichloro-1,1,1,2,2-pentafluoropropane](#) (HCFC-225ca, [CAS No. 422-56-0](#))
- [1,3-Dichloro-1,1,2,2,3-pentafluoropropane](#) (HCFC-225cb, [CAS No. 507-55-1](#))
- [1,2-Dichloro-1,1,2,2-tetrafluoroethane](#) (CFC-114, [CAS No. 76-14-2](#))
- [1,1-Dichloro-2,2,2-trifluoroethane](#) (HCFC-123, [CAS No. 306-83-2](#))
- [1,2-Dichloro-1,1,2-trifluoroethane](#) (HCFC-123a, [CAS No. 354-23-4](#))
- [1,1-Difluoroethane](#) (HFC-152a, [CAS No. 75-37-6](#))
- [Difluoromethane](#) (HFC-32, [CAS No. 75-10-5](#))
- ~~(Difloromethoxy)(difluoro)methane~~ ( ~~$CHF_2OCHF_2$~~  or HFE-134, [CAS No. 1691-17-4](#))
- [1-\(Difloromethoxy\)-2-\[\(difluoromethoxy\)\(difluoro\)methoxy\]-1,1,2,2-tetrafluoroethane](#) ( ~~$CHF_2OCF_2OCF_2CF_2OCHF_2$~~  or HFE-43-10pccc124, [CAS No. 188690-77-9](#))
- [2-\(Difluoromethoxymethyl\)-1,1,1,2,3,3,3-heptafluoropropane](#) ([CAS No. 163702-08-7](#) ~~$(CF_3)_2CFCH_2OCH_3$~~ )
- [Dimethyl carbonate](#) ([CAS No. 616-38-6](#))
- [Ethane](#) ([CAS No. 74-84-0](#))
- [2-\(Ethoxydifluoromethyl\)-1,1,1,2,3,3,3-heptafluoropropane](#) ([CAS No. 163702-06-5](#) ~~$(CF_3)_2CFCH_2OC_2H_5$~~ )
- [3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-\(trifluoromethyl\)hexane](#) (HFE-7500, [CAS No. 297730-93-9](#))
- [1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane](#) ( ~~$C_4F_9OC_2H_5$~~  or HFE-7200, [CAS No. 163702-05-4](#))
- [Ethylfluoride](#) (HFC-161, [CAS No. 353-36-6](#))
- [1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane](#) ( ~~$C_3F_7OCH_3$~~  or HFE-7000, [CAS No. 375-03-1](#))
- [1,1,1,2,3,3,3-Heptafluoropropane](#) (HFC-227ea, [CAS No. 431-89-0](#))
- [1,1,1,2,3,3-Hexafluoropropane](#) (HFC-236ea, [CAS No. 431-63-0](#))
- [1,1,1,3,3,3-Hexafluoropropane](#) (HFC-236fa, [CAS No. 690-39-1](#))

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Methane ([CAS No. 74-82-8](#))

Methyl acetate ([methyl ethanoate, CAS No. 79-20-9](#))

~~Methylene chloride (dichloromethane)~~

~~4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)~~

Methyl formate ([methyl methanoate, CAS No. 107-31-3](#)CHOOCH3)

1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (~~C4F9OCH3~~ or HFE-7100,  
[CAS No. 163702-07-6](#))

~~Parachlorobenzotrifluoride (PCBTF)~~

1,1,1,3,3-Pentafluorobutane (HFC-365mfc, [CAS No. 406-58-6](#))

Pentafluoroethane (HFC-125, [CAS No. 354-33-6](#))

1,1,2,2,3-Pentafluoropropane (HFC-245ca, [CAS No. 679-86-7](#))

1,1,2,3,3-Pentafluoropropane (HFC-245ea, [CAS No. 24270-66-4](#))

1,1,1,2,3-Pentafluoropropane (HFC-245eb, [CAS No. 431-31-2](#))

1,1,1,3,3-Pentafluoropropane (HFC-245fa, [CAS No. 460-73-1](#))

~~Perchloroethylene (tetrachloroethylene)~~

Perfluorocarbon compounds that fall into the following classes:

Cyclic, branched, or linear, completely fluorinated alkanes

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

~~Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)~~

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

Siloxanes: cyclic, branched, or linear completely-methylated

~~Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)~~

1,1,2,2-Tetrafluoroethane (HFC-134, [CAS No. 359-35-3](#))

1,1,1,2-Tetrafluoroethane (HFC-134a, [CAS No. 811-97-2](#))

~~(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, trans-  
1,3,3,3-Tetrafluoropropene (HFO-1234ze, CAS No. 29118-24-9)~~

2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, [CAS No. 754-12-1](#))

1,1,1-Trichloroethane (methyl chloroform, [CAS No. 71-55-6](#))

Trichlorofluoromethane (CFC-11, [CAS No. 75-69-4](#))

1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, [CAS No. 76-13-1](#))

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

1,1,1-Trifluoroethane (HFC-143a, [CAS No. 420-46-2](#))

Trifluoromethane (HFC-23, [CAS No. 75-46-7](#))

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 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 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 I or 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 determination is not reflected in any of the test methods in subsection (b) ~~of this Section.~~
- 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 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) Section Number: 243.108                      Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) A Complete Description of the Subjects and Issues Involved: 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 October 27, 2016, proposing amendment in docket R17-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The R17-1 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment 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, 2016 through June 30, 2016. The Board added a USEPA action of July 3, 2016 for the purpose of administrative economy. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

January 26, 2016 (81 Fed. Reg. 4294)	USEPA designated one new federal equivalent method (FEM) for particulates (PM10) in ambient air.
April 28, 2016 (81 Fed. Reg. 25397)	USEPA designated one new federal reference method (FRM) for PM10, one new FRM for coarse particulates (PM10-2.5), one new FRM for fine particulates (PM2.5), one new FRM for ozone (O3), and two new FEMs for PM2.5 in ambient air.
June 17, 2016	USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

July 18, 2016  
(81 Fed. Reg. 45284)

USEPA designated one new FRM for PM10, one new FRM for sulfur dioxide (SO2), two new FEMs for PM2.5, one new FEM for PM10, and one new FEM for PM10-2.5 in ambient air.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-1 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal amendments underlying this amendment, as well as updates to incorporations by reference to the Code of Federal Regulations that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R17-1.

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 the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-1 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2014)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

1:30 p.m., December 7, 2016  
Room 11-512  
James R. Thompson Center  
100 W. Randolph St.  
Chicago IL 60601

and

Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue  
Springfield IL 62702

Comments should reference docket R17-5 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Please direct inquiries to the following person and reference docket R17-1:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
312/814-6924  
email: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 8832; July 1, 2016

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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 <sub>10</sub> and PM <sub>2.5</sub>
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 for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations

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].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, 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; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**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](http://www.gpo.gov)). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2016)~~(2015) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 ~~(2016)~~(2015) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2016)~~(2015) (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 ~~(2016)~~(2015) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 ~~(2016)(2015)~~, as amended at 80 Fed. Reg. 65453 (Oct. 26, 2015) (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 ~~(2016)(2015)~~ (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 ~~(2016)(2015)~~ (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 ~~(2016)(2015)~~ (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 ~~(2016)(2015)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 ~~(2016)(2015)~~ (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 ~~(2016)(2015)~~ (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 ~~(2016)(2015)~~ (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.

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Appendix N to 40 CFR 50 ~~(2016)(2015)~~ (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 ~~(2016)(2015)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> 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 ~~(2016)(2015)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2016)(2015)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2016)(2015)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2016)(2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 ~~(2016)(2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 ~~(2016)(2015)~~, ~~as added at 80 Fed. Reg. 65453 (Oct. 26, 2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2013) (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/>.

## POLLUTION CONTROL BOARD

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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 17, 2016](#))~~([December 18, 2015](#))~~ (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 incorporation by reference ~~includes the following~~~~does not include~~ USEPA methods designations that occurred after [June 17, 2016](#):  
~~[December 18, 2015](#).~~

[81 Fed. Reg. 45284 \(July 13, 2016\)](#).

BOARD NOTE: The List of Designated Methods 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 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedural Requirements for Permitted Landfills
- 2) Code Citation: 35 Ill. Adm. Code 813
- 3) Section Number: 243.108                      Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R17-5 rulemaking. A comprehensive description is contained in the Board's opinion and order of October 27, 2016, proposing amendment in docket R17-5, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with an amendment adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period: January 1, 2016 through June 30, 2016:

May 10, 2016  
(81 Fed. Reg. 28720)

USEPA revised the maximum term of a research, development, and demonstration (RD&D) permit from 12 years to 21 years.

The Board deviated from the literal text of the USEPA amendment in format. The Board further included two corrections to rules format and updated a Code of Federal Regulations citation to the latest version available. These corrections and update are not directly derived from the instant federal amendments.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-5 which list the above corrections and update that are not based on current federal amendments. Persons interested in the details of those corrections and revision should refer to the IIS-RA(P) in docket R17-5.

Section 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule 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 pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-5 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-5:

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

312/814-6924  
email: michael.mccambridge@illinois.gov

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 8832; July 1, 2016

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813  
PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section

- 813.101 Scope and Applicability
- 813.102 Delivery of Permit Application
- 813.103 Agency Decision Deadlines
- 813.104 Standards for Issuance of a Permit
- 813.105 Standards for Denial of a Permit
- 813.106 Permit Appeals
- 813.107 Permit No Defense
- 813.108 Term of Permit
- 813.109 Transfer of Permits
- 813.110 Adjusted Standards to Engage in Experimental Practices
- 813.111 Agency Review of Contaminant Transport Models
- 813.112 Research, Development, and Demonstration Permits for MSWLFs
- 813.113 Electronic Reporting

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION  
AND SIGNIFICANT MODIFICATION OF PERMITS

Section

- 813.201 Initiation of a Modification or Significant Modification
- 813.202 Information Required for a Significant Modification of an Approved Permit
- 813.203 Specific Information Required for a Significant Modification to Obtain Operating Authorization
- 813.204 Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section

- 813.301 Time of Filing

## POLLUTION CONTROL BOARD

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813.302	Effect of Timely Filing
813.303	Information Required for a Permit Renewal
813.304	Updated Groundwater Impact Assessment
813.305	Procedures for Permit Renewal

## SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section	
813.401	Agency Notification Requirements
813.402	Certification of Closure
813.403	Termination of the Permit

## SUBPART E: CERTIFICATION AND REPORTS

Section	
813.501	Annual Certification
813.502	Groundwater Reports and Graphical Results of Monitoring Efforts
813.503	Information to be Retained at or near the Waste Disposal Facility
813.504	Annual Report

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. 7501, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12388, effective August 1, 1994; amended in R98-9 at 22 Ill. Reg. 11483, effective June 23, 1998; amended in R05-1 at 29 Ill. Reg. 5066, effective March 22, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1466, effective December 20, 2006; amended in R17-5 at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROCEDURES

**Section 813.112 Research, Development, and Demonstration Permits for MSWLFs**

- a) Except as provided in subsection (f) ~~of this Section~~, and subject to the limitations of subsections (c) through (e) ~~of this Section~~, the Agency must issue a research, development, and demonstration (RD&D) permit for a new MSWLF unit,

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existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods that deviate from either or both of the following standards, provided the Agency has determined that the MSWLF unit has a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate on the liner and that the innovative and new methods will not cause contamination of groundwater or surface water:

- 1) The run-on control systems in 35 Ill. Adm. Code 811.103(b)(1) and (b)(2); and
  - 2) The liquids restrictions in 35 Ill. Adm. Code 811.107(m)(1).
- b) The Agency must issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion for which the owner or operator proposes to utilize innovative and new methods that deviate from the final cover standards of 35 Ill. Adm. Code 811.314(b) and (c) provided the Agency has determined that the MSWLF unit owner or operator has demonstrated that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water or cause leachate depth on the liner to exceed 30-cm.
- c) Any RD&D permit issued under this Section must include such terms and conditions as are at least as protective as the MSWLF standards of 35 Ill. Adm. Code 811.103(b)(1) and (b)(2), 811.107(m)(1), and 811.314(b) and (c) from which the deviation is granted to assure protection of human health and the environment. Such a permit must include the following conditions:
- 1) It must provide for the construction and operation of such facilities as are necessary, for not longer than three years, unless the permit is renewed as provided in subsection (e) ~~of this Section~~;
  - 2) It must provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and non-hazardous wastes that the Agency has deemed appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;
  - 3) It must include such requirements as are necessary to protect human health and the environment, including such requirements as are necessary for

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testing and providing information to the Agency with respect to the operation of the facility;

- 4) It must require the owner or operator of a MSWLF unit permitted under this Section to submit an annual report to the Agency showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results, as well as any other operating information specified by the Agency in the permit; and
  - 5) It must require compliance with all standards in 35 Ill. Adm. Code 811, except as permitted under this Section.
- d) The Agency may request in writing that the owner or operator immediately terminate all operations at the facility permitted under this Section or request that the owner or operator undertake other corrective measures at any time the Agency has reason to believe that the overall goals of the project are not being attained, including protection of human health or the environment. The Agency or any person may file an enforcement action pursuant to Section 41 of the Act [415 ILCS 5/41] for any violations of the Act [415 ILCS 5].
- e) No permit issued under this Section may exceed three years in duration, and no single renewal of a permit under this Section may exceed three years in duration.
- 1) The total term for a permit for a project including renewals may not exceed ~~21~~<sup>twelve</sup> years; and
  - 2) During permit renewal, the applicant must provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and status with respect to problem resolutions, and any other requirements that the Agency determines are necessary for permit renewal.
- f) Small MSWLF units. An owner or operator of a MSWLF unit that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, is not eligible for an RD&D permit under this Section with regard to the standards of 35 Ill. Adm. Code 811.314(b) and (c), except in accordance with 35 Ill. Adm. Code 811.314(d).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

BOARD NOTE: This Section is derived from 40 CFR 258.4 [\(2016\)](#)~~(2004)~~.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2375
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2375.10	Amendment
2375.210	Amendment
- 4) Statutory Authority: 40 ILCS 5/14-134 and 40 ILCS 5/14-135.03
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment would correct the outdated composition of the Board of Trustees in order to reflect the current statutory method that was provided by PA 96-6.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule 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 pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Houch  
State Retirement Systems  
2101 South Veterans Parkway  
PO Box 19255  
Springfield IL 62794-9255

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT

217/524-8105

fax: 217/557-3943

email: jeff.houch@srs.illinois.gov

- 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 was reflected in the January 2016 Regulatory Agenda submitted by the System.

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

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXXVI: STATE EMPLOYEES RETIREMENT SYSTEMPART 2375  
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

Section  
2375.10 Availability for Public Inspection

## SUBPART B: RULEMAKING

Section  
2375.110 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of the Rules of the State Employees Retirement System

## SUBPART C: ORGANIZATION

Section  
2375.210 Organization of the State Employees' Retirement System

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 14-135.03 and 14-134 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Filed December 20, 1977, effective December 31, 1977; amended at 4 Ill. Reg. 12, p. 534, effective March 11, 1980; codified at 6 Ill. Reg. 10935; amended at 8 Ill. Reg. 4144, effective March 26, 1984; recodified from 80 Ill. Adm. Code 1540.280, 1540.290 and 1540.300 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12714, effective August 2, 1985; amended at 10 Ill. Reg. 1916, effective January 10, 1986; amended at 15 Ill. Reg. 1571, effective January 22, 1991; amended at 24 Ill. Reg. 128, effective January 15, 2000; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: PUBLIC INFORMATION

**Section 2375.10 Availability for Public Inspection**

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT

- a) The rules of the Retirement System implementing the Illinois Freedom of Information Act [5 ILCS 140] are located at 80 Ill. Adm. Code 1540.390.
- b) The rules of the Retirement System or any revisions, modifications, amendments or repeal of those rules~~thereof~~ are available for public inspection at all times on any day the State Employees' Retirement System of Illinois is open for business at the Springfield Office, ~~P.O. Box 19255~~-2101 South Veterans Parkway, Springfield, IL 62794-~~9255~~.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: ORGANIZATION

**Section 2375.210 Organization of the State Employees' Retirement System**

- a) As provided in Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1983, ch. 108 1/2 par. 14-101 et seq. ) responsibility for the operation of the System is vested in a Board of Trustees. The Board consists of ~~thirteen~~seven Trustees as follows:
- 1) Comptroller who shall be Chairperson;
  - 2) Six Trustees appointed by the Governor with the advice and consent of the Senate who may not be members of the System or hold an elective State office and who shall serve terms in the manner prescribed by Section 14-135 of the Illinois Pension Code;
  - 3) Four active participants of the System having at least 8 years of creditable service, to be elected by the contributing members of the System as provided in Section 14-134.1 of the Illinois Pension Code; and
  - 4) Two annuitants of the System who have been annuitants for at least one full year, to be elected by the annuitants of the System as provided in Section 14-134.1.
- 1) ~~Director of the Bureau of the Budget;~~
  - 2) ~~Comptroller;~~

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT

- 3) ~~One Trustee not a State employee who shall be Chairman to be appointed by the Governor for a five year term;~~
  - 4) ~~One member of the System having at least eight years of creditable service appointed by the Governor for a term of five years.~~
  - 5) ~~One annuitant of the System age 60 or over with at least 8 years of creditable service appointed by the Governor for a term of five years.~~
  - 6) ~~One member of the System having at least eight years of creditable service elected by the active membership of the System for a term of five years.~~
  - 7) ~~One annuitant of the System who has been an annuitant for at least one full year elected by the annuitants of the System for a term of five years.~~
- b) ~~The Director of the Bureau of the Budget and the~~ Comptroller shall be an Ex-Officio ~~member~~members and shall serve as a Trustees during his or her~~their~~ respective ~~term~~terms of office.
- c) The administration of the detailed affairs of the System is the responsibility of the Executive Secretary who is appointed by the Board of Trustees.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1540.5	Repealed
1540.80	Amendment
1540.90	Amendment
1540.195	New Section
1540.210	Amendment
1540.380	Amendment
1540.385	New Section
1540.390	New Section
- 4) Statutory Authority: 5 ILCS 140/3, 40 ILCS 5/1-116.1, 40 ILCS 5/14-104.7, 40 ILCS 5/14-123, 40 ILCS 5/14-123.1, 40 ILCS 5/14-124, 40 ILCS 5/14-129, 40 ILCS 5/14-135.03 and 40 ILCS 5/14-148.1
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides the following:
  - Creates a rule regarding mandatory distributions, specifically that it shall comply with Section 401(a)(9) of the Internal Revenue Code;
  - Authorizes the System to collect amounts due resulting from overpayments from benefits payable to survivors and beneficiaries;
  - Allows the System to suspend benefits payable by paper check form if a member has 4 uncashed warrants, in addition, members that have had their payments suspended in this manner shall be required to receive future payments by direct deposit unless they can demonstrate a hardship has been created by such mandatory enrollment;
  - Establish policies and procedures specific to SERS concerning requests for information made under FOIA;
  - Various technical changes; and

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

Various rule amendments related to disability benefits:  
Amend the rules so that System has authority to waive the 6 month reporting requirements in certain cases, such as permanent disability;

Amend rules so that the "Concurrent condition" policy that was adopted by the Executive Committee in 1980 is reflected in rules;

The Executive Committee adopted a policy related to the suspension of a disability benefit from the results of a medical examination. The policy developed provided that the suspension would take effect on the last day of the month in which the committee suspends the benefit. Amend rules to support this policy.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Houch  
State Retirement Systems  
2101 South Veterans Parkway  
PO Box 19255  
Springfield IL 62794-9255

217/524-8105

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

fax: 217/557-3943

email: jeff.houch@srs.illinois.gov

- 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: Most items were included in the Regulatory Agenda the Agency submitted in July of 2016. However, various technical changes as recommended by JCAR during a pre-draft review have been added.

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

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

THE ADMINISTRATION AND OPERATION OF THE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## Section

1540.5	Introduction ( <a href="#">Repealed</a> )
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
<a href="#">1540.195</a>	<a href="#">Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code</a>
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360	Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370	Americans With Disabilities Act
1540.380	Correction of Mistakes in Benefit Payments
<a href="#">1540.385</a>	<a href="#">Suspension of Benefits from Uncashed Warrants</a>
<a href="#">1540.390</a>	<a href="#">Freedom of Information Act</a>

1540.APPENDIX A Grievance Form

1540.TABLE A Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1540.5 Introduction (Repealed)**

- a) ~~To implement the provisions of the Illinois Revised Statutes governing the operation and administration of the State Employees' Retirement System of Illinois.~~
- b) ~~In accordance with the provisions of Section 14-135.03 of the Illinois Pension Code (Ill. Rev. Stat. 1983, ch. 108½, par. 14-135.03 (the Retirement Act) governing the State Employees' Retirement System of Illinois which authorized the Board of Trustees "to establish rules and regulations and formulate policy for proper operation of the System and the transaction of its business"; the Board of Trustees of the State Employees' Retirement System of Illinois does hereby resolve, establish, and promulgate and declare effective, as of the date hereof, the following Rules and Regulations to implement the provisions of such Act.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

**Section 1540.80 Disability Claims**

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
  - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the latter of the 31<sup>st</sup> day of absence from work (including any periods of such absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment). If a member is receiving a non-occupational disability benefit, and incurs a concurrent sickness or condition that is severe enough to disable the member past the period in which the member is disabled from the original sickness or condition, the non-occupational benefit would continue uninterrupted and the member would not be required to obtain a new leave of absence or incur a new 30 day waiting period. A benefit will continue uninterrupted in the manner described only if the member is otherwise eligible for the benefit and a physician's report is provided and supports the disabling sickness or condition.
  - 3) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a temporary disability benefit, payment of the benefit shall accrue as of the latter of the 31<sup>st</sup> day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).
  - 4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make ~~the~~ such payment

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).

- b) **Occupational Disability**  
Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
- c) **Licensed Physicians**
  - 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
  - 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Financial and Professional Regulation as described in Section 11(A) of the Medical Practice Act of 1987 [225 ILCS 60/11(A)]. All licensed physicians must submit their registration number on all reports submitted to the Retirement System.
- d) **Report of Physicians**
  - 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
  - 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.
- e) **Gainful Employment**  
In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have the benefit terminated. The term "gainfully employed" shall be construed to mean either of the following:

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Any employment by or for the State of Illinois.
- 2) Effective October 1, 2005, any individual who exceeds \$2490 in remuneration in any calendar quarter (the "calendar quarter limitation") will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal the suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation, SERS will recover the dollar amount of the earnings that exceeded the calendar quarter limitation. The individual must sign an agreement not to exceed the calendar quarter limitation in the future and to acknowledge that termination of benefits shall occur if a second violation occurs. Any individual who exceeds the calendar quarter limitation a second time will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal this suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation a second time, the individual will be considered gainfully employed and benefits will be terminated as of the date of suspension. Any overpayment of benefits due to the termination will be recovered in full.
  - A) For purpose of this Section, "remuneration" shall be defined to mean:
    - i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
    - ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.
  - B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

- f) Investigation of Claims
- 1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.
  - 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires. The System may waive the medical examination report requirement in certain cases.
  - 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.
  - 4) Any benefit suspended as a result of a medical examination will be suspended on the last day of the month in which the claim is reviewed by the Executive Committee.

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- g) Definition of Phrase "The Duties of the Member's Position"  
The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.90 Benefit Offset**

- a) Occupational Disability and Occupational Death  
Benefits received under Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310] with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation average weekly wage will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.
- 1) If the amount of compensation received is less than the monthly benefit provided under the Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Pension Code. If the amount of compensation received equals or exceeds the monthly benefit provided under the Pension Code, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.
  - 2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid using the average weekly wage as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.
  - 3) In the event the whole or any part of the benefits received under the

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Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

- 4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.
- 5) The amount considered for offset purposes shall be reduced by any legal expenses granted in the award.
- 6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.
- 7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.
- 8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.
- 9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:
  - A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Pension Code [40 ILCS 5/Art. 14] and this Part, even though such amounts are recoverable under the subrogation Section 5(b) of the Workers' Compensation Act.
  - B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

- 10) Any periods of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Workers' Compensation Commission.
- b) Nonoccupational Disability and Temporary Disability
- 1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65 less legal expenses paid by the member to obtain the award up to the maximum allowed by the Social Security Administration.
  - 2) The Social Security retirement benefit offset will be applied as follows at age 65:
    - A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.
    - B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.

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- C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.
- 3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.
- c) Social Security Benefit Offset to Widow's and Survivor's Annuities
- 1) Beginning July 1, 2009, the Social Security survivor benefit offset (offset) shall not apply to any widow's or survivor's annuity of any person who began receiving a retirement annuity or a survivor's or widow's annuity prior to January 1, 1998.
- 2) Beginning July 1, 2009, the offset shall not apply to the widow's or survivor's annuity of any person who began receiving a widow's or survivor's annuity on or after January 1, 1998 and prior to July 1, 2009.
- 3) If the widow's or survivor's annuity is payable based on a coordinated employee's death in service, the offset shall not be applied to the widow's or survivor's annuity.
- 4) Any person who began receiving a retirement annuity after January 1, 1998 and before July 1, 2009 may make a one-time election before July 1, 2009 to reduce the monthly retirement annuity payable by 3.825% in exchange for not having the offset applied to any survivor's annuity payable.
- 5) Any employee with a retirement annuity effective date on or later than July 1, 2009 may, at the time of retirement, elect to reduce the monthly retirement annuity payable by 3.825% in exchange for not having the offset applied to any survivor's annuity payable.
- 6) For a person on the level income option under Section 14-112 of the Illinois Pension Code who makes an election under subsection (c)(4) or

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(c)(5) of this Section, the reduction shall be computed based on the reduced amount of the retirement annuity to be paid after the person has become eligible for old age payments under the federal Social Security Act plus any automatic annual increases received as of the date of the election.

- 7) For a member whose accrued benefits are payable, in whole or in part to an alternate payee pursuant to a QILDRO, as established by Section 1-119 of the Illinois Pension Code, any reduction due to an election made by the member under subsection (c)(4) or (c)(5) of this Section shall be computed based on the total amount of the member's retirement annuity prior to and without giving effect to any QILDRO reduction for amounts payable to an alternate payee. However, the actual reduction under subsection (c)(4) or (c)(5) shall be applied exclusively to the member's retirement annuity and not to any payment to an alternate payee.
- 8) If a coordinated employee does not elect to reduce the retirement annuity in exchange for not applying the offset to the SERS survivor's annuity, the survivor's annuity shall be reduced by one-half of any Social Security survivor's benefits for which all beneficiaries included in the widow's or survivor's annuity are eligible. The offset shall not reduce any survivor's or widow's benefit by more than 50%. If a coordinated employee does not elect to reduce the retirement annuity in exchange for not applying the offset to the SERS survivor's annuity, the offset will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit, regardless of whether the beneficiaries elect to accept the Social Security benefit on that date or if the beneficiaries' own earnings preclude payment of Social Security survivor's benefits.
- 9) If an annuitant who elected to have the retirement annuity reduced 3.825% to prevent an offset from taking place to any survivor benefits payable has a change in marital status due to death or divorce, that annuitant may make an irrevocable election to prospectively discontinue the reduction. However, no reimbursement of prior reductions will be made.
- 10) If, at the time the offset is to be commenced, the survivor is eligible to receive a monthly benefit amount from the Social Security Administration based on his/her own Primary Insurance Amount, that amount shall be deducted from the amount of survivor's benefit payable by Social Security

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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and the offset computed on the difference. If the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivor's benefit, that amount shall be deducted from the amount of the survivor's benefit payable by Social Security and the offset computed on the difference.

- 11) The Social Security reduction amount once established shall remain constant except for the following conditions:
  - A) If a survivor under age 50 previously receiving the survivor's benefit because of minor children becomes a deferred annuitant, the offset amount will be recomputed when he or she first becomes eligible for Social Security survivor's benefits. The offset amount will be based on the original widow's or widower's Social Security survivor's amount, ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivor's benefit minus the governmental pension offset, if any.
  - B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
  - C) The offset amount will be adjusted when any benefit recipients become ineligible for Social Security benefits.
  - D) Beginning July 1, 2009, if a survivor under age 62 receiving a survivor's benefit subject to the Social Security offset becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, the offset will be recomputed when he or she first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow's or widower's Social Security survivor's amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the survivor's Primary Insurance Amount. The

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administration's Personal Earnings and Benefit Estimate Statement, including any adjustment due to the application of the Windfall Elimination Provision.

- d) Retirement Annuity  
Pursuant to Section 14-108(f) of the Pension Code, for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administration's Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of Social Security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.195 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code**

The System shall pay all benefits in accordance with a reasonable good faith interpretation of the requirements of section 401(a)(9) of the Internal Revenue Code. When the System is required to make a mandatory distribution pursuant to that section and the member is eligible to receive either a retirement annuity or a refund, but fails to make the required election within 60 days after the System sends out the election form, the member shall be deemed to have elected a refund.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.210 Latest Date of Membership**

- a) The term "date he last became a member of the System" as it pertains to the purchase of service credits is the first day of the latest or current period of membership and is not affected by the payment of contributions for any periods of service prior to or following this first day or the repayment of a refund.
- b) A member who accepts a retirement annuity and subsequently ~~re-enters~~reenters membership establishes a new date of membership as of ~~that~~such date, unless he

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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or she repays all annuity payments received as provided for in the statute, in which case his or her previous date of membership is re-established~~reestablished~~.

- c) For a person who, under the provisions of the Retirement ~~Systems~~System Reciprocal Act ~~[40 ILCS 5/Art. 20](Ill. Rev. Stat. 1983, ch. 108 1/2, par. 20-101 et seq.)~~, repays a refund and pays for any period of service prior to or after the service period of membership for the period of service prior to or after the service period covered by the refund, the latest date of membership shall be the first day of membership for the period covered by the refund. If more than one refund is paid, it shall be the first day of the period of membership covered by the latest of the membership periods involved.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.380 Correction of Mistakes in Benefit Payments**

- a) As soon as reasonably practicable after discovery that the amount of a benefit being paid to a recipient is incorrect, the System shall notify the recipient in writing. The written communication shall indicate the correct amount of the benefit, when the corrected benefit amount will begin to be paid, and the procedure for appealing this determination.
- b) Upon discovering that the System has been paying a benefit that is not correct, the System shall endeavor to determine whether the recipient has been underpaid or overpaid by the System.
- 1) If the recipient has been underpaid, the System shall pay a lump sum amount to the recipient in the amount necessary to make the recipient whole as to the amounts that should have been paid to the recipient by the System according to the terms of the Act.
- 2) If the System determines the recipient has been paid more than provided for by the Act, the System shall determine when the overpayments began.
- A) If the overpayments have been made by the System for more than three years, the recipient will not be required to reimburse the System for the amount of the overpayments unless the overpayments are the result of incorrect or inaccurate information

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provided by a member, beneficiary or his or her authorized representative.

- B) If the overpayments have been made for less than three years, the System shall make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by:
- i) reductions of the remaining payments due to the recipient, survivors and beneficiaries;
  - ii) repayment of the overpayment by the recipient to the System; ~~by~~
  - iii) such other arrangement as the System makes with the recipient; ~~or by~~
  - iv) any other means legally available to the System.
- C) No matter how long an overpayment has been made to a member or beneficiary, if the overpayment is the result of incorrect or inaccurate information provided by a member, beneficiary or his or her authorized representative, the System shall make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by:
- i) reductions of the remaining payments due to the recipient, survivors and beneficiaries;
  - ii) repayment of the overpayment by the recipient to the System; ~~by~~
  - iii) such other arrangement as the System makes with the recipient; ~~or by~~
  - iv) any other means legally available to the System.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.385 Suspension of Benefits from Uncashed Warrants**

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- a) Monthly benefit payments to annuitants may be suspended when four monthly warrants remain uncashed. The System shall inquire as to the cause for the uncashed warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing the warrants.
- b) Any member that has his or her benefit suspended under this Section shall be required to register for direct deposit as a condition for resuming benefit payments. Exceptions to this subsection (b) may be granted by the System when a hardship would result from this subsection.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1540.390 Freedom of Information Act**

- a) Purpose. This Section establishes policies and procedures specific to SERS concerning requests for information made under FOIA [5 ILCS 140].
- b) Freedom of Information Officer. The Freedom of Information Officer is the staff member at SERS responsible for responding to all requests for information on behalf of SERS as the "public body" under FOIA and is also responsible for maintaining all records required to be kept under FOIA and this Section. The Freedom of Information Officer shall be the SERS Executive Secretary or a designee of the SERS Executive Secretary. Denials issued by the Freedom of Information Officer shall inform the requester of the right of review by the Public Access Counselor under Section 9.5 of FOIA or by a court under Section 11 of FOIA.
- c) Time and Place for Requests or Inspection. Records subject to FOIA shall be made available for inspection and copying at SERS principal office on weekdays between the hours of 8:00 a.m. and 4:30 p.m., excluding days during which the office is closed to the public. Written requests shall be mailed to the Freedom of Information Officer or a designee in the SERS Executive Department at 2101 S. Veterans Pkwy., P.O. Box 19255, Springfield IL 62794-9255. FOIA requests may also be submitted by facsimile (217-557-3943); or by email (SERS@srs.illinois.gov). Oral requests for inspection or copying may be made in person or by phone at 217-785-7016.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- d) Fees. Unless a fee is waived or reduced under Section 6 of FOIA, fees may be imposed on the requester to recover costs of document production or reproduction according to the following schedule:
- 1) Photostatic copying of paper documents:
    - A) Black and white copies shall be charged after the first 50 pages at \$0.05 per page;
    - B) Color copies shall be charged at \$0.13 per page.
  - 2) Printing of electronic documents or microfilmed/microfiched documents shall be charged at \$0.05 per page.
  - 3) Physical storage on electronic, tape or other media, shipping and facsimile transmission costs shall be charged to the extent those costs are incurred. Electronic transmission via e-mail shall be provided at no charge.
- e) Exemptions. Records exempted under Section 7 or 7.5 of FOIA shall be exempt from inspection and copying.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.160                      Adopted Action:  
Amendment
- 4) Statutory Authority: 35 ILCS 200/2-10 and 2-15
- 5) Effective Date of Rule: October 31, 2016
- 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 Proposal published in the *Illinois Register*: 40 Ill. Reg. 9063; July 8, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: In the text of Sect.160, letter b), Clinton, number "4. Breese, Sugar Creek" was added after the proposed rulemaking was published.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates newly formed, as well as previously omitted, multi-township assessment districts contained in Section 110.160. In addition, the revised language updates the effective dates for the multi-township assessment districts and makes slight grammatical changes to the language concerning the appointment of vacancies for open assessor positions.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

Robin Gill  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 110  
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.116	Charitable Exemption Eligibility: Low Income Housing Projects
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

110.ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

**AUTHORITY:** Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

**SOURCE:** Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004; emergency amendment at 28 Ill. Reg. 9690, effective June 28, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14662, effective October 19, 2004; amended at 28 Ill. Reg. 15599, effective November 17, 2004; amended at 31 Ill. Reg. 12994, effective August 21, 2007; amended at 32 Ill. Reg. 13253, effective July 28, 2008; amended at 34 Ill. Reg. 6921, effective April 29, 2010; amended at 34 Ill. Reg. 11804, effective July 27, 2010; amended at 40 Ill. Reg. 15363, effective October 31, 2016.

**Section 110.160 Multi-township Assessment Districts**

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

a) The Department has promulgated the following list of multi-township assessment districts in accordance with Sections 2-10 and 2-15 of the Property Tax Code [35 ILCS 200/~~2-10 and 2-15~~] (Code), and This list will remain in effect subject only to the following:

- 1) for purposes of candidates for assessor with terms beginning January 1, ~~20142006~~, the multi-township assessment districts will remain in effect until the Department certifies the pre-election requirements of the candidates as authorized under Sections 2-50 and 2-52 of the Code;
- 2) for purposes of appointing assessors or contracting with qualified persons to fill assessor vacancies under Section 2-60 of the Code, the multi-township assessment districts will remain in effect from January 1, ~~20142006~~ through December 31, ~~20172009~~;
- 3) for purposes of disbursements and distributions under Sections 2-10 and 2-25 of the Code, the multi-township assessment districts will remain in effect through November 30, ~~20172009~~;
- 4) for assessment purposes, the multi-township assessment districts will remain in effect from January 1, ~~20142006~~ through December 31, ~~20172009~~.

<u>County</u>	<u>Townships in District</u>
Adams	<ul style="list-style-type: none"> <li>1. Liberty, Columbus</li> <li>2. Burton, Gilmer, Honey Creek</li> <li>3. Lima, Keene</li> <li>4. Houston, Northeast</li> <li>5. Concord, McKee, Beverly, Richfield</li> <li>6. Fall Creek, Payson</li> </ul>
Bond	<ul style="list-style-type: none"> <li>1. Mills, Tamalco</li> <li>2. LaGrange, Old Ripley</li> </ul>
Boone	<ul style="list-style-type: none"> <li>1. Manchester, LeRoy</li> <li>2. Bonus, Spring, Poplar <u>GroveGroove, Caledonia</u></li> </ul>

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |           |    |   |
|-----------|----|---|
| Brown     | 1. | Lee, Pea Ridge, Missouri, Ripley, Cooperstown |
|           | 2. | Buckhorn, Elkhorn, Versailles                 |
| Bureau    | 1. | Bureau, Walnut                                |
|           | 2. | Berlin, Westfield                             |
|           | 3. | Leepertown, Selby                             |
|           | 4. | Fairfield, Gold, Mineral                      |
|           | 5. | Neponset, Macon                               |
|           | 6. | Greenville, Manlius                           |
|           | 7. | Indiantown, Arispie, Milo, Wheatland          |
|           | 8. | Ohio, Dover                                   |
|           | 9. | LaMoille, Clarion                             |
| Carroll   | 1. | Washington, Woodland, Freedom                 |
|           | 2. | Salem, Fairhaven                              |
|           | 3. | Elkhorn Grove, Wysox                          |
| Cass      | 1. | Sangamon Valley, Virginia                     |
|           | 2. | Ashland, Philadelphia                         |
|           | 3. | Panther Creek, Newmansville, Chandlerville    |
|           | 4. | Bluff Springs, Arenzville, Hagener            |
| Champaign | 1. | East Bend, Newcomb, Condit, Hensley           |
|           | 2. | Ludlow, Rantoul                               |
|           | 3. | Harwood, Kerr, Compromise                     |
|           | 4. | Stanton, Ogden                                |
|           | 5. | Colfax, Sadorus                               |
|           | 6. | Pesotum, Crittenden                           |
|           | 7. | Raymond, Ayers, South Homer                   |
| Christian | 1. | Mt. Auburn, Mosquito                          |
|           | 2. | Stonington, Prairieton                        |
|           | 3. | King, Bear Creek, Johnson                     |
|           | 4. | Greenwood, Rosamond, Locust                   |
| Clark     | 1. | Westfield, Parker                             |
|           | 2. | Dolson, Auburn, Douglas, Anderson, Darwin     |
|           | 3. | Johnson, Orange, Melrose, York                |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Clay	<ol style="list-style-type: none"><li>1. Larkinsburg, Oskaloosa, Blair</li><li>2. Bible Grove, Hoosier, Pixley</li><li>3. Stanford, Clay City</li><li>4. Songer, Xenia</li></ol>
Clinton	<ol style="list-style-type: none"><li>1. St. Rose, Wheatfield, Irishtown</li><li>2. Santa Fe, Lake</li><li>3. Clement, Meridian, East Fork</li></ol>
Coles	<ol style="list-style-type: none"><li>1. Seven Hickory, Charleston, <a href="#">Ashmore, Hutton</a></li><li>2. Morgan, East Oakland</li><li><del>3. Ashmore, Hutton</del></li><li><del>3,4.</del> North Okaw, Humboldt</li></ol>
Crawford	<ol style="list-style-type: none"><li>1. Licking, Prairie</li><li>2. Lamotte, Hutsonville, Montgomery</li><li>3. Martin, Honey Creek, Southwest</li></ol>
Cumberland	<ol style="list-style-type: none"><li>1. Cottonwood, Union, Crooked Creek</li><li>2. Spring Point, Woodbury</li></ol>
Dekalb	<ol style="list-style-type: none"><li>1. South Grove, Mayfield</li><li>2. Malta, Milan</li><li>3. Afton, Pierce</li><li>4. Shabbona, Paw Paw</li><li>5. Victor, Somonauk</li></ol>
DeWitt	<ol style="list-style-type: none"><li>1. Waynesville, Barnett</li><li>2. Wilson, Rutledge, Harp, DeWitt</li><li>3. Tunbridge, Texas</li><li>4. Nixon, Creek</li></ol>
Douglas	<ol style="list-style-type: none"><li>1. Murdock, Newman</li><li>2. Bowdre, Sargent</li></ol>
Edgar	<ol style="list-style-type: none"><li>1. Brouillets Creek, Edgar, Prairie</li><li>2. Buck, Kansas, Grandview</li><li>3. Elbridge, Hunter, Stratton</li><li>4. Shiloh, Young America, Embarrass</li></ol>

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Effingham	<ol style="list-style-type: none"><li>1. Banner, Liberty, Moccasin</li><li>2. Jackson, Mason, Mound, West</li><li>3. St. Francis, Teutopolis</li><li>4. Watson, Union</li><li>5. Bishop, Lucas</li></ol>
Fayette	<ol style="list-style-type: none"><li>1. North Hurricane, South Hurricane, Shafter, Bear Grove</li><li>2. Seminary, Pope, Kaskaskia</li><li>3. Wilberton, Lone Grove, LaClede</li><li>4. Sefton, Otego, Wheatland</li><li>5. Loudon, Carson, Bowling Green</li></ol>
Ford	<ol style="list-style-type: none"><li>1. Drummer, Dix</li><li>2. Patton, Button</li><li>3. Sullivant, Peach Orchard, Lyman, Wall</li><li>4. Brenton, Pella, Mona, Rogers</li></ol>
Franklin	<ol style="list-style-type: none"><li>1. Goode, Barren</li><li>2. Ewing, Northern</li><li>3. Eastern, Cave</li></ol>
Fulton	<ol style="list-style-type: none"><li>1. Ellisville, Young Hickory, Deerfield, Lee</li><li>2. Fairview, Joshua</li><li>3. Harris, Cass, Bernadotte, Farmers</li><li>4. Pleasant, Isabel, Woodland, Kerton, Waterford</li><li>5. Banner, Liverpool</li></ol>
Gallatin	<ol style="list-style-type: none"><li>1. New Haven, Shawnee, Gold Hill</li><li>2. Omaha, Asbury, North Fork</li><li>3. Equality, Bowlesville, Eagle Creek</li></ol>
Greene	<ol style="list-style-type: none"><li>1. Patterson, Roodhouse</li><li>2. Athensville, Rubicon, Wrights</li><li>3. Walkerville, Bluffdale, Woodville</li><li>4. Linder, Rockbridge</li></ol>
Grundy	<ol style="list-style-type: none"><li>1. Norman, Wauponsee</li></ol>

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |           |    |  |
|-----------|----|--|
|           | 2. | Highland, Vienna, Mazon                                  |
|           | 3. | Goodfarm, Garfield, Greenfield                           |
|           | 4. | Maine, Braceville  |
|           | 5. | Nettle Creek, Erienna                                    |
| Hamilton  | 1. | Dahlgren, Knights Prairie                                |
|           | 2. | Flannigan, South Flannigan, Twigg, South Twigg, Mayberry |
|           | 3. | Crouch, South Crouch, Beaver Creek, Crook                |
| Hancock   | 1. | Nauvoo, Appanoose, Sonora                                |
|           | 2. | Pontoosuc, Dallas City, Rock Creek                       |
|           | 3. | Prairie, Carthage  |
|           | 4. | Warsaw, Wilcox, Rocky Run                                |
|           | 5. | Durham, Pilot Grove, Fountain Green, Hancock             |
|           | 6. | Wythe, Walker, St. Albans, Bear Creek                    |
|           | 7. | Harmony, St. Mary, Chili, Augusta                        |
| Henderson | 1. | Biggsville, Rozetta, Bald Bluff                          |
|           | 2. | Media, Raritan, Terre Haute, Lomax                       |
|           | 3. | Stronghurst, Carman                                      |
| Henry     | 1. | Edford, Osco, Munson                                     |
|           | 2. | Lynn, Andover  |
|           | 3. | Burns, Weller, Galva                                     |
|           | 4. | Loraine, Yorktown, Alba, Cornwall                        |
|           | 5. | Oxford, Clover   |
| Iroquois  | 1. | Ridgeland, Onarga, Artesia                               |
|           | 2. | Pigeon Grove, Fountain Creek                             |
|           | 3. | Milford, Stockland, Lovejoy, Prairie Green               |
|           | 4. | Cresent, Ash Grove                                       |
|           | 5. | Milks Grove, Ashkum                                      |
|           | 6. | Beaver, Concord  |
|           | 7. | Papineau, Beaverville                                    |
|           | 8. | Danforth, Iroquois                                       |
| Jackson   | 1. | Ora, Vergennes   |
|           | 2. | Degognia, Kinkaid, Fountain Bluff, Levan                 |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |            |                 |  |
|------------|-----------------|--|
|            | 3.              | Sand Ridge, Grand Tower, Pomona  |
| Jasper     | 1.              | Crooked Creek, Grandville, Hunt City   |
|            | 2.              | Smallwood, Fox, Sainte Marie, Willow Hill  |
|            | 3.              | Grove, North Muddy, South Muddy  |
| Jefferson  | 1.              | Grand Prairie, Casner  |
|            | 2.              | Blissville, Bald Hill, Elk Prairie   |
|            | 3.              | Field, Farrington  |
|            | 4.              | Pendleton, Moores Prairie  |
| Jersey     | 1.              | Ruyle, Jersey, Fidelity  |
|            | 2.              | Richwood, English  |
|            | 3.              | Rosedale, Otter Creek  |
| Jo Daviess | 1.              | Apple River, Thompson  |
|            | 2.              | Berreman, Derinda, Pleasant Valley, Wards Grove  |
|            | 3.              | Council Hill, Guilford, Scales Mound   |
|            | 4.              | Elizabeth, Woodbine, <a href="#">Hanover, Rice</a>                                     |
|            | <del>5.</del>   | <del><a href="#">Hanover, Rice</a></del>   |
|            | <del>5.6.</del> | <del>Menominee, Rawlins, Vinegar Hill</del>  |
|            | <del>6.7.</del> | <del>Nora, Rush, Warren</del>  |
| Kankakee   | 1.              | Rockville, Manteno   |
|            | 2.              | Sumner, Yellowhead   |
|            | 3.              | Essex, Salina  |
| Kendall    | 1.              | Lisbon, Seward, Na-au-say  |
| Knox       | 1.              | Galesburg, Knox, Cedar, Orange, Haw Creek, Elba, Indian Point, Chestnut, Maquon, Salem |
|            | 2.              | Rio, Ontario, Walnut Grove, Lynn, Henderson, Sparta, Copley, Victoria, Persifer, Truro |
| LaSalle    | 1.              | Meriden, Ophir, Troy Grove   |
|            | 2.              | Freedom, Serena  |
|            | 3.              | Mission, Miller  |
|            | 4.              | Dimmick, Waltham, Wallace  |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

5. Fall River, Grand Rapids
  6. Vermilion, Farm Ridge, Deer Park
  7. Hope, Richland, Osage, Groveland
  8. Brookfield, Allen
- Lawrence
1. Allison, Denison
  2. Christy, Lukin
  3. Petty, Bond, Russell
- Lee
1. Nachusa, Franklin Grove
  2. Nelson, Harmon
  3. South Dixon, Marion, East Grove, Hamilton
  4. Reynolds, Alto, Viola, Willow Creek
  5. Brooklyn, Wyoming
  6. Ashton, Bradford
  7. Amboy, Lee Center
  8. May, Sublette
- Livingston
1. Chatsworth, Germanville
  2. Reading, Newton
  3. Sunbury, Nevada, Esmen
  4. Round Grove, Broughton, Sullivan
  5. Long Point, Amity
  6. Rooks Creek, Waldo, Pike
  7. Owego, Eppards Point, Avoca
  8. Saunemin, Pleasant Ridge, Charlotte, Union
  9. Indian Grove, Belle Prairie
  10. Forrest, Fayette
- Logan
1. Prairie Creek, Sheridan
  2. Orvil, Eminence, West Lincoln
  3. Atlanta, Oran
  4. Chester, Mount Pulaski
  5. Corwin, Broadwell, Elkhart, Hurlbut
  6. Aetna, Laenna, Lake Fork
- McDonough
1. Blandinsville, Hire
  2. Sciota, Walnut Grove
  3. Bushnell, Prairie City, Macomb, Mound

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

4. Chalmers, New Salem, Scotland
  5. Tennessee, Lamoine, Bethel
  6. Industry, Eldorado
- McLean
1. Allin, Dale
  2. West, Bellflower, Cheneys Grove
  3. Yates, Lawndale, Cropsey, Anchor
  4. Blue Mound, Martin
  5. Dawson, Arrowsmith
  6. White Oak, Dry Grove
  7. Mount Hope, Funk's Grove
- Macon
1. Austin, Illini
  2. Oakley, Whitmore
  3. Niantic, Harristown
  4. Blue Mound, Pleasant View
  5. ~~Mount Zion, Milam~~
- Macoupin
1. Scottville, Barr, Western Mound, Chesterfield
  2. North Palmyra, North Otter
  3. South Palmyra, South Otter
  4. Nilwood, Shaws Point, Honey Point
  5. Bird, Polk, Hillyard, Brushy Mound
- Madison
1. New Douglas, Leef
- Marion
1. Patoka, Carrigan
  2. Foster, Tonti
  3. Kinmundy, Meacham
  4. Alma, Omega
  5. Stevenson, Haines
  6. Iuka, Romine
- Marshall
1. Saratoga, Whitefield, La Prairie
  2. Hopewell, Roberts, Bell Plain, Richland
- Mason
1. Forest City, Quiver
  2. Allens Grove, Pennsylvania, Salt Creek
  3. Crane Creek, Kilbourne, Sherman

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |            |    |   |
|------------|----|---|
|            | 4. | Bath, Lynchburg                         |
| Mercer     | 1. | Eliza, Duncan, Perryton                 |
|            | 2. | Keithsburg, Abington, Ohio Grove        |
|            | 3. | Suez, North Henderson                   |
|            | 4. | New Boston, Millersburg                 |
| Montgomery | 1. | Harvel, Pitman, Zanesville              |
|            | 2. | Butler Grove, Irving, Rountree          |
|            | 3. | Audubon, Nokomis                        |
|            | 4. | Witt, Fillmore, South Fillmore          |
|            | 5. | Grisham, Walshville, East Fork          |
| Moultrie   | 1. | Dora, Marrowbone                        |
|            | 2. | Lowe, Jonathan Creek                    |
|            | 3. | East Nelson, Whitley                    |
| Ogle       | 1. | Eagle Point, Buffalo, Woosung           |
|            | 2. | Brookville, Forreston                   |
|            | 3. | Scott, White Rock                       |
|            | 4. | Maryland, Lincoln                       |
|            | 5. | Pine Creek, Grand Detour                |
|            | 6. | Taylor, Lafayette, Pine Rock            |
|            | 7. | Lynnville, Dement                       |
| Peoria     | 1. | Millbrook, Brimfield                    |
|            | 2. | Princeville, Akron                      |
|            | 3. | Logan, Trivoli                          |
| Piatt      | 1. | Goose Creek, Willow Branch              |
| Pike       | 1. | Fairmount, Perry, Chambersburg          |
|            | 2. | Hadley, New Salem, Pleasant Vale, Derry |
|            | 3. | Flint, Detroit, Montezuma, Pearl        |
|            | 4. | Newburg, Hardin, Spring Creek           |
|            | 5. | Atlas, Martinsburg                      |
|            | 6. | Pleasant Hill, Ross                     |
|            | 7. | Kinderhook, Levee, Cincinnati           |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Putnam	1.	Hennepin, Senachwine
Richland	1.	Noble, Decker, Denver
	2.	German, Claremont
	3.	Madison, Bonpas
Rock Island	1.	Buffalo Prairie, Drury
	2.	Canoe Creek, Zuma
	3.	Cordova, Port Byron
St. Clair	1.	Mascoutah, Engelmann
	2.	East St. Louis, Stites
Saline	1.	Galatia, Long Branch, Tate
	2.	Brushy, Raleigh
	3.	Rector, East Eldorado, Cottage
	4.	Stonefort, Independence, Mountain
Sangamon	1.	Buffalo Hart, Mechanicsburg
	2.	Lanesville, Illiopolis
	3.	Maxwell, Loami, Talkington
	4.	Cooper, Cotton Hill
	5.	Island Grove, New Berlin
Schuyler	1.	Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden
	2.	Browning, Hickory, Woodstock, Bainbridge, Frederick
Shelby	1.	Flat Branch, Ridge, Rural, Pickaway, Penn
	2.	Todds Point, Okaw
	3.	Richland, Ash Grove
	4.	Oconee, Cold Spring
	5.	Herrick, Dry Point
	6.	Lakewood, Holland, Clarksburg
	7.	Big Spring, Sigel
Stark	1.	Elmira, Osceola
	2.	Goshen, West Jersey

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |            |    |   |
|------------|----|---|
|            | 3. | Essex, Valley, Penn                           |
| Stephenson | 1. | Winslow, Waddams                              |
|            | 2. | Erin, Kent                                    |
|            | 3. | Jefferson, Loran                              |
|            | 4. | Dakota, Rock Grove                            |
|            | 5. | Florence, Silver Creek                        |
| Tazewell   | 1. | Dillon, Delavan, Sand Prairie, Malone         |
|            | 2. | Hopedale, Boynton, Hittle, Little Mackinaw    |
| Vermilion  | 1. | Pilot, Middlefork                             |
|            | 2. | Georgetown, Love, McKendree                   |
|            | 3. | Jamaica, Vance                                |
|            | 4. | Carroll, Elwood                               |
|            | 5. | <a href="#">Butler, Grant</a>                 |
| Warren     | 1. | Kelly, Coldbrook, Floyd, Berwick              |
|            | 2. | Lenox, Sumner, Hale                           |
|            | 3. | Greenbush, Swan, Point Pleasant               |
|            | 4. | Tompkins, Ellison                             |
| Washington | 1. | Venedy, Johannisburg, Lively Grove            |
|            | 2. | Covington, Hoyleton                           |
|            | 3. | Beaucoup, Ashley, Richview                    |
|            | 4. | Plum Hill, Oakdale, Pilot Knob                |
|            | 5. | Bolo, DuBois                                  |
| Wayne      | 1. | Garden Hill, Orchard, Hickory Hill, Four Mile |
|            | 2. | Keith, Zif, Mt. Erie, Elm River               |
|            | 3. | Indian Prairie, Berry, Arrington              |
|            | 4. | Massilon, Barnhill, Leech                     |
| White      | 1. | Mill Shoals, Burnt Prairie                    |
|            | 2. | Heralds Prairie, Emma, Hawthorne              |
| Whiteside  | 1. | Ustick, Clyde                                 |
|            | 2. | Genesee, Jordan, Hopkins                      |
|            | 3. | Albany, Garden Plain                          |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

	4.	Newton, Fenton, Portland
	5.	Union Grove, Mt. Pleasant
	6.	Hume, Montmorency, Hahnaman
Will	1.	Florence, Wilton
Winnebago	1.	Laona, Durand
	2.	Harrison, Burritt
	3.	Pecatonica, Seward
Woodford	1.	Partridge, Cazenovia
	2.	Linn, Clayton, Greene, Panola
	3.	Cruger, Olio
	4.	Palestine, Kansas

b) The Department has promulgated the following list of multi-township assessment districts in accordance with Sections 2-10 and 2-15 of the Code, ~~and~~ This list will remain in effect subject only to the following:

- 1) for purposes of candidates for assessor with terms beginning January 1, ~~20182010~~, the multi-township assessment districts will remain in effect until the Department certifies the pre-election requirements of the candidates as authorized under Sections 2-50 and 2-52 of the Code;
- 2) for purposes of appointing assessors or contracting with qualified persons to fill assessor vacancies under Section 2-60 of the Code, the multi-township assessment districts will remain in effect from January 1, ~~20182010~~ through December 31, ~~20212013~~;
- 3) for purposes of disbursements and distributions under Sections 2-10 and 2-25 of the Code, the multi-township assessment districts will remain in effect through November 30, ~~20212013~~;
- 4) for assessment purposes, the multi-township assessment districts will remain in effect from January 1, ~~20182010~~ through December 31, ~~20212013~~.

County

Townships in District

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |           |    |   |
|-----------|----|---|
| Adams     | 1. | Liberty, Columbus                             |
|           | 2. | Burton, Gilmer, Honey Creek                   |
|           | 3. | Lima, Keene                                   |
|           | 4. | Houston, Northeast                            |
|           | 5. | Concord, McKee, Beverly, Richfield            |
|           | 6. | Fall Creek, Payson                            |
| Bond      | 1. | Mills, Tamalco                                |
|           | 2. | LaGrange, Old Ripley                          |
| Boone     | 1. | Manchester, LeRoy                             |
|           | 2. | Bonus, Spring, Poplar Grove, Caledonia        |
| Brown     | 1. | Lee, Pea Ridge, Missouri, Ripley, Cooperstown |
|           | 2. | Buckhorn, Elkhorn, Versailles                 |
| Bureau    | 1. | Bureau, Walnut                                |
|           | 2. | Berlin, Westfield                             |
|           | 3. | Leepertown, Selby                             |
|           | 4. | Fairfield, Gold, Mineral                      |
|           | 5. | Neponset, Macon                               |
|           | 6. | Greenville, Manlius                           |
|           | 7. | Indiantown, Arispie, Milo, Wheatland          |
|           | 8. | Ohio, Dover                                   |
|           | 9. | LaMoille, Clarion                             |
| Carroll   | 1. | Washington, Woodland, Freedom                 |
|           | 2. | Salem, Fairhaven                              |
|           | 3. | Elkhorn Grove, Wysox                          |
| Cass      | 1. | Sangamon Valley, Virginia                     |
|           | 2. | Ashland, Philadelphia                         |
|           | 3. | Panther Creek, Newmansville, Chandlerville    |
|           | 4. | Bluff Springs, Arenzville, Hager              |
| Champaign | 1. | East Bend, Newcomb, Condit, Hensley           |
|           | 2. | Ludlow, Rantoul                               |
|           | 3. | Harwood, Kerr, Compromise                     |
|           | 4. | Stanton, Ogden                                |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

5. Colfax, Sadorus
  6. Pesotum, Crittenden
  7. Raymond, Ayers, South Homer
- Christian
1. Mt. Auburn, Mosquito
  2. Stonington, Prairieon
  3. King, Bear Creek, Johnson
  4. Greenwood, Rosamond, Locust
- Clark
1. Westfield, Parker, [Martinsville](#)
  2. Dolson, Auburn, Douglas, Anderson, Darwin
  3. Johnson, Orange, Melrose, York
- Clay
1. Larkinsburg, Oskaloosa, Blair
  2. Bible Grove, Hoosier, Pixley
  3. Stanford, Clay City
  4. Songer, Xenia
- Clinton
1. St. Rose, Wheatfield, Irishtown
  2. Santa Fe, Lake
  3. Clement, Meridian, East Fork
  4. [Breese, Sugar Creek](#)
- Coles
1. [Ashmore, Hutton](#), Seven Hickory, Charleston
  2. Morgan, East Oakland
  3. [Humboldt, Lafayette, Mattoon, North Okaw](#)~~Ashmore, Hutton~~
  4. [Paradise, Pleasant Grove](#)~~North Okaw, Humboldt~~
- Crawford
1. Licking, Prairie
  2. Lamotte, Hutsonville, Montgomery
  3. Martin, Honey Creek, Southwest
- Cumberland
1. Cottonwood, Union, Crooked Creek
  2. Spring Point, Woodbury
- DeKalb
1. South Grove, Mayfield
  2. Malta, Milan
  3. Afton, Pierce

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |           |               |   |
|-----------|---------------|---|
|           | 4.            | Shabbona, Paw Paw   |
|           | 5.            | Victor, Somonauk  |
| DeWitt    | 1.            | Waynesville, Barnett, <u>Wapella</u>  |
|           | 2.            | Wilson, Rutledge, Harp, DeWitt  |
|           | 3.            | Tunbridge, Texas  |
|           | 4.            | Nixon, Creek  |
| Douglas   | 1.            | Murdock, Newman, <u>Bowdre, Sargent</u>   |
|           | <del>2.</del> | <del>Bowdre, Sargent</del>  |
| Edgar     | 1.            | <u>Edgar</u> , Brouilletts Creek, <u>Hunter, Stratton</u> <del>Edgar,</del><br><u>Prairie</u> |
|           | 2.            | Buck, Kansas, Grandview   |
|           | 3.            | <u>Symmes, Elbridge</u> , <del>Hunter, Stratton</del>   |
|           | 4.            | Shiloh, Young America, Embarrass  |
|           | <u>5.</u>     | <u>Ross, Prairie</u>  |
| Effingham | 1.            | Banner, Liberty, Moccasin   |
|           | 2.            | Jackson, Mason, Mound, West   |
|           | 3.            | St. Francis, Teutopolis   |
|           | 4.            | Watson, Union   |
|           | 5.            | Bishop, Lucas   |
| Fayette   | 1.            | North Hurricane, South Hurricane, Shafter, Bear<br>Grove                                      |
|           | 2.            | Seminary, Pope, Kaskaskia   |
|           | 3.            | Wilberton, Lone Grove, LaClede  |
|           | 4.            | Sefton, Otego, Wheatland  |
|           | 5.            | Loudon, Carson, Bowling Green   |
| Ford      | 1.            | Drummer, Dix  |
|           | 2.            | Patton, Button  |
|           | 3.            | Sullivant, Peach Orchard, Lyman, Wall   |
|           | 4.            | Brenton, Pella, Mona, Rogers  |
| Franklin  | 1.            | Goode, Barren   |
|           | 2.            | Ewing, Northern   |
|           | 3.            | Eastern, Cave   |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Fulton	<ol style="list-style-type: none"><li>1. Ellisville, Young Hickory, Deerfield, Lee</li><li>2. Fairview, Joshua, <a href="#">Vermont</a></li><li>3. Harris, Cass, Bernadotte, Farmers</li><li>4. Pleasant, Isabel, Woodland, Kerton, Waterford</li><li>5. <a href="#">Buckheart</a>, Banner, Liverpool</li></ol>
Gallatin	<ol style="list-style-type: none"><li>1. New Haven, Shawnee, Gold Hill</li><li>2. Omaha, Asbury, North Fork, <a href="#">Ridgeway</a></li><li>3. Equality, Bowlesville, Eagle Creek</li></ol>
Greene	<ol style="list-style-type: none"><li>1. Patterson, Roodhouse</li><li>2. Athensville, Rubicon, Wrights, <a href="#">Linder</a>, <a href="#">Rockbridge</a></li><li>3. Walkerville, Bluffdale, Woodville</li><li>4. <a href="#">Carrollton</a>, <a href="#">Kane</a>, <a href="#">Linder</a>, <a href="#">Rockbridge</a></li></ol>
Grundy	<ol style="list-style-type: none"><li>1. Norman, Wauponsee</li><li>2. Highland, Vienna, Mazon</li><li>3. Goodfarm, Garfield, Greenfield</li><li>4. Maine, Braceville</li><li>5. Nettle Creek, Erienna</li></ol>
Hamilton	<ol style="list-style-type: none"><li>1. Dahlgren, Knights Prairie</li><li>2. Flannigan, South Flannigan, Twigg, South Twigg, Mayberry</li><li>3. Crouch, South Crouch, Beaver Creek, Crook</li></ol>
Hancock	<ol style="list-style-type: none"><li>1. Nauvoo, Appanoose, Sonora</li><li>2. Pontoosuc, Dallas City, Rock Creek</li><li>3. Prairie, Carthage</li><li>4. Warsaw, Wilcox, Rocky Run</li><li>5. Durham, Pilot Grove, Fountain Green, Hancock</li><li>6. Wythe, Walker, St. Albans, Bear Creek</li><li>7. Harmony, St. Mary, Chili, Augusta</li></ol>
Henderson	<ol style="list-style-type: none"><li>1. Biggsville, Rozetta, Bald Bluff</li><li>2. Media, Raritan, Terre Haute, Lomax</li><li>3. Stronghurst, Carman</li></ol>

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

4. [Gladstone, Oquawka](#)
- Henry
1. Edford, Osco, Munson
  2. Lynn, Andover
  3. Burns, Weller, Galva
  4. Loraine, Yorktown, Alba, Cornwall
  5. Oxford, Clover
- Iroquois
1. Ridgeland, Onarga, Artesia
  2. Pigeon Grove, Fountain Creek
  3. Milford, Stockland, Lovejoy, Prairie Green
  4. Crescent, Ash Grove
  5. Milks Grove, Ashkum, [Chebanse](#)
  6. Beaver, Concord, [Martinton](#)
  7. Papineau, Beaverville
  8. Danforth, Iroquois
- Jackson
1. Ora, Vergennes
  2. Degognia, Kinkaid, Fountain Bluff, Levan
  3. Sand Ridge, Grand Tower, Pomona
- Jasper
1. Crooked Creek, Grandville, Hunt City
  2. Smallwood, Fox, Sainte Marie, Willow Hill
  3. Grove, North Muddy, South Muddy
- Jefferson
1. Grand Prairie, Casner
  2. Blissville, Bald Hill, Elk Prairie
  3. Field, Farrington
  4. Pendleton, Moores Prairie
- Jersey
1. Ruyle, Jersey, Fidelity
  2. Richwood, English
  3. Rosedale, Otter Creek
- Jo Daviess
1. Apple River, Thompson
  2. Berreman, Derinda, Pleasant Valley, [Stockton](#), Wards Grove
  3. Council Hill, Guilford, Scales Mound
  4. Elizabeth, Woodbine, [Hanover, Rice](#)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

	<del>5.</del>	<del>Hanover, Rice</del>
	<del>5.6.</del>	Menominee, Rawlins, Vinegar Hill
	<del>6.7.</del>	Nora, Rush, Warren
Kankakee	1.	Rockville, Manteno
	2.	Sumner, Yellowhead
	3.	Essex, Salina
	4.	<u>Norton, Pilot</u>
Kendall	1.	Lisbon, Seward, Na-au-say
Knox	1.	Galesburg, Knox, Cedar, Orange, Haw Creek, Elba, Indian Point, Chestnut, Maquon, Salem
	2.	Rio, Ontario, Walnut Grove, Lynn, Henderson, Sparta, Copley, Victoria, Persifer, Truro
LaSalle	1.	Meriden, Ophir, Troy Grove
	2.	Freedom, Serena
	3.	Mission, Miller
	4.	Dimmick, Waltham, Wallace
	5.	Fall River, Grand Rapids
	6.	Vermilion, Farm Ridge, Deer Park
	7.	Hope, Richland, Osage, Groveland
	8.	Brookfield, Allen
Lawrence	1.	Allison, Denison
	2.	Christy, Lukin
	3.	Petty, Bond, Russell
Lee	1.	Nachusa, Franklin Grove
	2.	Nelson, Harmon
	3.	South Dixon, Marion, East Grove, Hamilton
	4.	Reynolds, Alto, Viola, Willow Creek
	5.	Brooklyn, Wyoming
	6.	Ashton, Bradford
	7.	Amboy, Lee Center
	8.	May, Sublette
Livingston	1.	Chatsworth, Germanville

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

2. Reading, Newtown
  3. Sunbury, Nevada, Esmen
  4. Round Grove, Broughton, Sullivan
  5. Long Point, Amity
  6. Rooks Creek, Waldo, Pike
  7. Owego, Eppards Point, Avoca
  8. Saunemin, Pleasant Ridge, Charlotte, Union
  9. Indian Grove, Belle Prairie
  10. Forrest, Fayette
- Logan
1. Prairie Creek, Sheridan
  2. Orvil, Eminence, West Lincoln
  3. Atlanta, Oran
  4. Chester, Mount Pulaski
  5. Corwin, Broadwell, Elkhart, Hurlbut
  6. Aetna, Laenna, Lake Fork
- McDonough
1. Blandinsville, Hire
  2. Sciota, Walnut Grove
  3. Bushnell, Prairie City, Macomb, Mound
  4. Chalmers, New Salem, Scotland
  5. Tennessee, Lamoine, Bethel
  6. Industry, Eldorado
- McLean
1. Allin, Dale
  2. West, Bellflower, Cheneys Grove
  3. [Chenoa](#), Yates, Lawndale, Cropsey, Anchor
  4. Blue Mound, Martin
  5. Dawson, Arrowsmith
  6. White Oak, Dry Grove
  7. Mount Hope, Funk's Grove
- Macon
1. Austin, Illini
  - ~~2.~~ [Oakley](#), ~~Whitmore~~
  - ~~2,3.~~ Niantic, Harristown
  - ~~3,4.~~ Blue Mound, Pleasant View
- Macoupin
1. Scottville, Barr, Western Mound, Chesterfield
  2. North Palmyra, North Otter

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |            |    |   |
|------------|----|---|
|            | 3. | South Palmyra, South Otter  |
|            | 4. | Nilwood, Shaws Point, Honey Point   |
|            | 5. | Bird, Polk, Hillyard, Brushy Mound  |
| Madison    | 1. | New Douglas, Leef   |
| Marion     | 1. | Patoka, Carrigan  |
|            | 2. | Foster, Tonti   |
|            | 3. | Kinmundy, Meacham   |
|            | 4. | Alma, Omega   |
|            | 5. | Stevenson, Haines   |
|            | 6. | Iuka, <del>Romine</del> <u>Romaine</u>  |
| Marshall   | 1. | Saratoga, Whitefield, La Prairie, <u>Steuben</u>                                      |
|            | 2. | Hopewell, Roberts, Bell Plain, Richland   |
| Mason      | 1. | Forest City, Quiver   |
|            | 2. | Allens Grove, Pennsylvania, Salt Creek  |
|            | 3. | Crane Creek, Kilbourne, Sherman   |
|            | 4. | Bath, Lynchburg   |
| Mercer     | 1. | Eliza, Duncan, Perryton   |
|            | 2. | Keithsburg, Abington, Ohio Grove  |
|            | 3. | Suez, North Henderson   |
|            | 4. | New Boston, Millersburg   |
| Montgomery | 1. | <u>Bois d'Arc</u> , Harvel, Pitman, Zanesville  |
|            | 2. | Butler Grove, Irving, Rountree  |
|            | 3. | Audubon, Nokomis  |
|            | 4. | Witt, Fillmore, South Fillmore  |
|            | 5. | Grisham, Walshville, East Fork  |
| Moultrie   | 1. | Dora, Marrowbone  |
|            | 2. | Lowe, Jonathan Creek  |
|            | 3. | East Nelson, Whitley  |
| Ogle       | 1. | Eagle Point, <del>Buffalo</del> , Woosung, <u>Pine Creek</u> ,<br><u>Grand Detour</u> |
|            | 2. | Brookville, Forreston   |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

- |             |    |   |
|-------------|----|---|
|             | 3. | <del>Scott, White Rock, Lynnville, Dement</del>   |
|             | 4. | Maryland, Lincoln   |
|             | 5. | <del>Pine Rock, Lafayette, Taylor Pine Creek, Grand Detour</del>                            |
|             | 6. | <del>Taylor, Lafayette, Pine Rock</del>   |
|             | 7. | <del>Lynnville, Dement</del>  |
| Peoria      | 1. | Millbrook, Brimfield  |
|             | 2. | Princeville, Akron  |
|             | 3. | Logan, Trivoli  |
| Piatt       | 1. | Goose Creek, Willow Branch  |
| Pike        | 1. | <del>Levee, Kinderhook, Cincinnati, Pleasant Vale Fairmount, Perry, Chambersburg</del>      |
|             | 2. | <del>Barry, Hadley, New Salem, Pleasant Vale, Derry</del>                                   |
|             | 3. | <del>Atlas, Martinsburg, Ross, Pleasant Hill Flint, Detroit, Montezuma, Pearl</del>         |
|             | 4. | <del>Newburg, Hardin, Spring Creek, Pearl, Montezuma, Detroit</del>                         |
|             | 5. | <del>Pittsfield, Newburg Atlas, Martinsburg</del>   |
|             | 6. | <del>Fairmont, Perry, Chambersburg, New Salem, Griggsville, Flint Pleasant Hill, Ross</del> |
|             | 7. | <del>Kinderhook, Levee, Cincinnati</del>  |
| Putnam      | 1. | Hennepin, Senachwine  |
| Richland    | 1. | Noble, Decker, Denver   |
|             | 2. | German, Claremont   |
|             | 3. | Madison, Bonpas   |
| Rock Island | 1. | Buffalo Prairie, Drury  |
|             | 2. | Canoe Creek, Zuma   |
|             | 3. | Cordova, Port Byron   |
|             | 4. | <u>Blackhawk, Rural</u>   |
| St. Clair   | 1. | Mascoutah, Engelmann  |
|             | 2. | East St. Louis, Stites  |

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Saline	<ol style="list-style-type: none"><li>1. Galatia, Long Branch, Tate</li><li>2. Brushy, Raleigh</li><li>3. Rector, East Eldorado, Cottage</li><li>4. Stonefort, Independence, Mountain</li></ol>
Sangamon	<ol style="list-style-type: none"><li>1. Buffalo Hart, Mechanicsburg</li><li>2. Lanesville, Illiopolis</li><li>3. Maxwell, Loami, Talkington</li><li>4. Cooper, Cotton Hill</li><li>5. Island Grove, New Berlin</li></ol>
Schuyler	<ol style="list-style-type: none"><li>1. Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden</li><li>2. Browning, Hickory, Woodstock, Bainbridge, Frederick</li></ol>
Shelby	<ol style="list-style-type: none"><li>1. Flat Branch, Ridge, Rural, Pickaway, Penn</li><li>2. Todds Point, Okaw</li><li>3. Richland, Ash Grove</li><li>4. Oconee, Cold Spring</li><li>5. Herrick, Dry Point</li><li>6. Lakewood, Holland, Clarksburg</li><li>7. Big Springs, Sigel</li></ol>
Stark	<ol style="list-style-type: none"><li>1. Elmira, Osceola</li><li>2. Goshen, West Jersey</li><li>3. Essex, Valley, Penn</li></ol>
Stephenson	<ol style="list-style-type: none"><li>1. Winslow, Waddams</li><li>2. Erin, Kent</li><li>3. Jefferson, Loran</li><li>4. Dakota, Rock Grove</li><li>5. Florence, Silver Creek</li></ol>
Tazewell	<ol style="list-style-type: none"><li>1. Dillon, Delavan, Sand Prairie, Malone</li><li>2. Hopedale, Boynton, Hittle, Little Mackinaw</li></ol>
Vermilion	<ol style="list-style-type: none"><li>1. Pilot, Middlefork</li><li>2. Georgetown, Love, McKendree</li></ol>

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

3. Jamaica, Vance
  4. Carroll, Elwood
  5. Butler, Grant
- Warren
1. Kelly, Coldbrook, Floyd, Berwick
  2. Lenox, Sumner, Hale
  3. Greenbush, Swan, Point Pleasant
  4. Tompkins, Ellison
- Washington
1. Venedy, Johannsburg, Lively Grove
  2. Covington, Hoyleton
  3. Beaucoup, Ashley, Richview
  4. Plum Hill, Oakdale, Pilot Knob
  5. Bolo, DuBois
- Wayne
1. Garden Hill, Orchard, Hickory Hill, Four Mile
  2. Keith, Zif, Mt. Erie, Elm River
  3. Indian Prairie, Berry, Arrington
  4. Massilon, Barnhill, Leech
- White
1. Mill Shoals, Burnt Prairie, [Enfield](#)
  2. Heralds Prairie, Emma, Hawthorne
- Whiteside
1. Ustick, Clyde
  2. Genesee, Jordan, Hopkins
  3. Albany, Garden Plain
  4. Newton, Fenton, Portland
  5. Union Grove, Mt. Pleasant
  6. Hume, Montmorency, Hahnaman
- Will
1. Florence, Wilton
- Winnebago
1. Laona, Durand
  2. [Shirland](#), Harrison, Burritt
  3. [Pecatonica](#)~~Pectonia~~, Seward
- Woodford
1. Partridge, Cazenovia
  2. Linn, Clayton, Greene, Panola
  3. Cruger, Olio

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

4. Palestine, Kansas

(Source: Amended at 40 Ill. Reg. 15363, effective October 31, 2016)

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Criteria and Procedure for Recognition of Areawide Health Planning Organizations for Health Facilities Planning
- 2) Code Citation: 77 Ill. Adm. Code 1170
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1170.10	Repealed
1170.20	Repealed
1170.30	Repealed
1170.40	Repealed
1170.50	Repealed
1170.60	Repealed
1170.70	Repealed
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rules: October 27, 2016
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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 Repealer published in the *Illinois Register*: 40 Ill. Reg. 3540; March 11, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: This Part is being repealed because the Certificate of Need program no longer uses Areawide Health Planning Organizations.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jeannie Mitchell  
Assistant General Counsel  
Health Facilities and Services Review Board  
69 W. Washington Street, Suite 3501  
Chicago IL 60602

312/814-6226  
e-mail: [Jeannie.Mitchell@illinois.gov](mailto:Jeannie.Mitchell@illinois.gov)

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Appropriateness Review
- 2) Code Citation: 77 Ill. Adm. Code 1250
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1250.110	Repealed
1250.120	Repealed
1250.210	Repealed
1250.310	Repealed
1250.320	Repealed
1250.330	Repealed
1250.410	Repealed
1250.420	Repealed
1250.430	Repealed
1250.510	Repealed
1250.520	Repealed
1250.610	Repealed
1250.710	Repealed
1250.720	Repealed
1250.730	Repealed
1250.740	Repealed
1250.750	Repealed
1250.810	Repealed
1250.820	Repealed
1250.830	Repealed
1250.840	Repealed
1250.910	Repealed
1250.920	Repealed
1250.1010	Repealed
1250.1020	Repealed
1250.1110	Repealed
1250.1120	Repealed
1250.1210	Repealed
1250.1220	Repealed
1250.1310	Repealed
1250.1320	Repealed
1250.1330	Repealed
1250.1410	Repealed
1250.1420	Repealed

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF ADOPTED REPEALER

1250.1430	Repealed
1250.1440	Repealed
1250.1450	Repealed
1250.1460	Repealed
1250.1470	Repealed
1250.1510	Repealed
1250.1520	Repealed
1250.1530	Repealed
1250.1540	Repealed
1250.1550	Repealed
1250.1560	Repealed
1250.1570	Repealed
1250.1610	Repealed
1250.1620	Repealed
1250.1630	Repealed
1250.1640	Repealed
1250.1650	Repealed
1250.1660	Repealed
1250.1670	Repealed
1250.1710	Repealed
1250.1720	Repealed
1250.1730	Repealed
1250.1740	Repealed
1250.1750	Repealed
1250.1760	Repealed
1250.1810	Repealed
1250.1820	Repealed
1250.1830	Repealed
1250.1840	Repealed
1250.1850	Repealed
1250.1860	Repealed
1250.1870	Repealed
1250.1910	Repealed
1250.1920	Repealed
1250.1930	Repealed
1250.1940	Repealed
1250.1950	Repealed
1250.1960	Repealed
1250.1970	Repealed

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF ADOPTED REPEALER

1250.2010	Repealed
1250.2020	Repealed
1250.2030	Repealed
1250.2040	Repealed
1250.2050	Repealed
1250.2060	Repealed
1250.2110	Repealed
1250.2120	Repealed
1250.2130	Repealed
1250.2140	Repealed
1250.2150	Repealed
1250.2160	Repealed
1250.2210	Repealed
1250.2220	Repealed
1250.2230	Repealed
1250.2240	Repealed
1250.2250	Repealed
1250.2260	Repealed
1250.2270	Repealed
1250.2310	Repealed
1250.2320	Repealed
1250.2330	Repealed
1250.2340	Repealed
1250.2350	Repealed
1250.2360	Repealed

- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rules: October 27, 2016
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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 Repealer published in the *Illinois Register*: 40 Ill. Reg. 3549; March 11, 2016

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF ADOPTED REPEALER

- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being repealed because an appropriateness review is no longer a part of the Certificate of Need program.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jeannie Mitchell  
Assistant General Counsel  
Health Facilities and Services Review Board  
69 W. Washington Street, Suite 3501  
Chicago IL 60602

312/814-6226  
e-mail: Jeannie.Mitchell@illinois.gov

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1030.7	Amendment
1030.90	Amendment
1030.Appendix C	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-105.1 and Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Effective Date of Rules: October 26, 2016
- 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 rules, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 10137, July 29, 2016; 40 Ill. Reg. 10754, August 12, 2016
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Difference between Proposal and Final Version: 1030.7.Appendix C and 1030.90 were combined by JCAR during the October meeting. Some grammatical changes were made. In Section 7 (c) "See Appendix B" was in the proposal and replaced with "See Appendix C" in the final. In Section 90, (4) (A), the word "may" was replaced with "shall".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will these rulemakings replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Section Number:            Proposed Action:            Illinois Register Citation:  
1030.92                            Amendment                            40 Ill. Reg. 11246; August 26, 2016

- 15) Summary and Purpose of Rulemaking: The Secretary of State's office uses facial recognition technology as a biometric identifier to ensure the integrity of our identification and credentialing process. This system works best with full-face, unobstructed photographs of driver's license applicants. However, this office has long recognized that observation of religious beliefs require some individuals to wear religious head dressings whenever they are in public. These individuals include, for example, Catholic nuns wearing habits, Sikh men wearing turbans, and Muslim women wearing hijabs. In order to strike a balance between the religious beliefs of these individuals and the operational needs of our office, we have allowed photographs to be taken where the applicant is wearing "religious head dressings not covering any areas of the open face". 92 Ill. Admin. Code 1030.90(a). This exception is available to all individuals who wear religious head dressings whenever they are in public, without regard to the particular religion involved. However, this exception was never intended to apply to religious head dressings that the applicant can remove in public without violating his or her religious beliefs, nor does it apply to non-religious head dressings. Our preference remains full-face, unobstructed photographs. This exception is solely for the purpose of accommodating religious beliefs that prohibit a full-face, unobstructed photograph. This rulemaking clarifies the limited application of the religious head dressing exception. This rulemaking also amends the documents that must be presented by a non-visa TVDL holder at the time the applicant requests a renewal, duplicate or corrected TVDL.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/557-4462

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

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

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
  
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4,

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2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014;

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amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016.

**Section 1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)**

- a) An applicant who wishes to obtain an original TVDL, renew a TVDL, or obtain a corrected TVDL, pursuant to IVC Section 6-105.1(a-5), must make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. The Secretary of State will limit to 3 the number of appointments that may be made by any one individual or entity or from any one internet protocol address within a 24-hour period, except that the limit of 3 appointments may be waived by the Secretary of State for not-for-profit entities that assist the affected public in scheduling appointments. In the event the Secretary discovers appointments have been made in violation of a policy limiting the number of appointments within a 24-hour period, the Secretary may cancel the appointments exceeding the maximum number allowed. Based on the operational needs of the office, the Secretary may eliminate the requirement for appointments. An applicant who wishes to obtain a duplicate TVDL shall visit any TVDL facility located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A.
- b) An applicant for an original, ~~renewal, duplicate or corrected~~ TVDL shall provide acceptable forms of identification as defined in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address, and residency in Illinois for a period in excess of one year. The applicant shall affirm under penalty of perjury that he/she is at the time of application ineligible to obtain a social security number and shall submit either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act [5 ILCS 230/5], issued by the consulate of the

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applicant's country of citizenship and, ~~if a new applicant, must submit~~ a completed verification of residency form.

- c) An applicant for a duplicate or corrected TVDL must present one document from Group A and one document that satisfies Group B, C or D (two from Group D if requesting an address change to appear on the documents) (see Appendix C).
- d) An applicant renewing a TVDL need only present his/her current TVDL if no changes are required. If the applicant does not have his/her TVDL or changes are required, the applicant must present one document from Group A and one document that satisfies Group B, C or D (two from Group D if requesting an address change to appear on the documents).
- ee) The applicant shall take the following tests as required in IVC Section 6-109:
- 1) A vision test as provided in Sections 1030.70 and 1030.75;
  - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
  - 3) A written test, if required, as provided in Section 1030.80.
- f4) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:
- 1) Held a valid instruction permit for a minimum of 9 months;
  - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
  - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of

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behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.

- ge) Applicants who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a TVDL unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.
- hf) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database and verification of residency, the applicant shall be mailed a driver's license to the address provided by the applicant.
- ig) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- jh) A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.
- ki) Each original TVDL shall expire 3 years from the date of issuance, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- lj) An applicant for a renewal TVDL shall be retested in accordance with IVC Section 6-109.

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- ~~m~~k) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- ~~n~~l) The Secretary of State shall not send a renewal notice to the holder of a TVDL.
- ~~o~~m) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- ~~p~~n) The design and content of a TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1).
- ~~q~~o) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.
- ~~r~~p) An applicant for a TVDL that is male and is between the ages of 18 and 25 is not exempt from the requirement to register with the United States Selective Service System, in accordance with IVC Section 6-106.

(Source: Amended at 40 Ill. Reg. 15397, effective October 26, 2016)

**Section 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License**

- a) Application  
Every driver's license issued pursuant to IVC Section 6-110 shall include, as an integral part of the license, a head and shoulder, full-faced color photograph of the driver to whom the driver's license is being issued. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses ~~and religious head dressings not covering any areas of the open face~~ may be allowed. The driver's license shall be a photographically generated document that also includes the required information pertaining to the driver, the driver's signature, and other special security features to reduce the possibility of alteration and/or illegal reproduction. The driver's license must utilize a photograph taken of the driver at a Driver Services Facility that is produced by equipment specifically designed for this purpose. The driver's license must utilize a photograph and signature updated at least every 8 years, unless the driver holds a military deferral certificate or

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civilian employee deferral card issued by the Department.

b) Exceptions

Exceptions may be made in the best interest of individual Illinois drivers as follows:

1) Established Religious Convictions

- A) A driver will not be required to submit to a photograph if sufficient justification is provided by the driver to establish that a photograph would be in violation of or contradictory to the driver's religious convictions. If a driver declares that the use of a photograph is against his/her religious convictions, the driver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the driver's religious convictions, a place for the driver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the driver has offered, along with the date and official title of the minister or religious leader.
- B) The Affidavit shall be forwarded by the driver to the Driver Services Department Central Office in Springfield where a review and a decision will be made by the Director of the Driver Services Department relative to the issuance or non-issuance of a valid driver's license without photograph. To assist the Director in this decision, a committee of three administrative personnel will be appointed by the Director. Each Affidavit will be reviewed by each member of the committee, and each individual recommendation will be made to the Director for his final decision.
- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow for driving privileges during the interim period while the Affidavit will be reviewed and a decision will be made by the Director.
- D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an

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application signed by the driver. The driver's license will be mailed to the driver's home address.

- 2) Facial Disfigurements
  - A) When a driver requests a driver's license without a photograph because the driver states that it is embarrassing or distasteful to submit to a photograph because of a facial disfigurement caused by disease, trauma or congenital condition, the requirement of a photograph may be waived. The Supervisor of the Driver Services Facility in which the driver appears shall make a decision, based upon the extent of the facial disfigurement, regarding the issuance of a driver's license without a photograph. Should the Supervisor approve the issuance of a driver's license without a photograph, the driver's license will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
  - B) Should the Supervisor not approve the issuance of a driver's license without a photograph, the Supervisor will forward a written statement from the driver, along with a statement from the Supervisor providing detailed information to the Director of the Driver Services Department regarding the extent of the disfigurement and the Supervisor's justification for disapproval. The Director of the Driver Services Department may obtain further information and/or professional opinions to support an objective decision regarding whether a valid driver's license without the photograph may be issued.
  - C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow driving privileges during the interim period while the driver's license is being issued, or the statements relating to disapproval are being reviewed and a decision is being made.
  - D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.

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- 3) Out-of-State
- A) Drivers who are temporarily residing outside the State of Illinois and/or who are temporarily absent from the State at the expiration date of the driver's license may apply for a valid driver's license without photograph and signature because of their inability to appear at an Illinois Driver Services Facility. If an Illinois driver declares, in writing, that he/she is out-of-state at the time the driver's license must be renewed, and submits this information with the properly completed application and renewal fee, a driver's license may be issued without the driver's photograph and signature.
- B) However, the driver will be informed that he/she must appear at a Driver Services Facility within 45 days upon returning to Illinois and exchange this valid driver's license without photograph and signature for a driver's license containing the driver's photograph and signature. This replacement driver's license is issued without additional charge to the driver. If the driver does not return to Illinois and obtain a replacement driver's license with the photograph and signature, the driver's license without the photograph and signature may not be renewed upon expiration unless the driver submits an affidavit attesting to the fact that he/she has not returned to the State of Illinois during the term of the driver's license without the photograph and signature.
- C) A non-photo temporary driver's license may be issued to those drivers who plan to return to Illinois within a 90-day period. If a driver's license renewal examination is required, this examination must be taken and will not be waived. In those cases in which reciprocal agreements exist with driver's licensing entities in other jurisdictions, the Illinois examination shall be administered by a qualified representative of the jurisdiction, and the results reported to and accepted by the Illinois Department.
- 4) [Religious Head Dressings](#)

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- A) The wearing of religious head dressings for the photograph shall be allowed if the head dressing does not cover any area of the open face and if the driver signs a declaration stating that, in observation of a religious conviction, he or she wears the head dressing at all times when in public, unless circumstances require the removal of the head dressing. These circumstances may include, but are not limited to, medical examinations or visits to a hair dresser or barber.
- B) A driver who meets the requirements of subsection (b)(4)(A) will be given a declaration to be signed. The declaration will include the following:
- i) A statement that, in observation of a religious conviction, the driver only removes the head dressing in public when removal is necessary (such as for a medical examination or a visit to a hair dresser or barber) and does not remove the head dressing in public as a matter of courtesy or protocol (such as when entering a professional office or attending a worship service);
  - ii) An acknowledgement that, if the Director of the Driver Services Department obtains evidence showing the driver does not wear religious head dressings at all times while in public, unless circumstances require the removal of the head dressing, the driver's license may be cancelled;
  - iii) The language "Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this declaration are true and correct."; and
  - iv) A place for the driver's signature and date.
- c) TVDL applicants or holders are not eligible for an exception under subsection (b)(3).
- d) Hearings  
Should the Director deny the issuance of a driver's license without photograph

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and/or signature, the individual may appeal that decision by requesting in writing a hearing pursuant to IVC Section 2-118.

(Source: Amended at 40 Ill. Reg. 15397, effective October 26, 2016)

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**Section 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)**

- a) ~~Applicants~~Except as provided in subsection (c), applicants for an original, ~~renewal, duplicate or corrected~~ non-Visa status temporary visitor's driver's license (TVDL) pursuant to IVC Section 6-105.1(a-5) shall submit the following:
- 1) One document to prove written signature;
  - 2) One document to prove name and date of birth;
  - 3) Two documents to prove current Illinois residence address;
  - 4) One document to prove Illinois residency in excess of one year; ~~and~~
  - 5) Valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by the applicant's country of citizenship pursuant to Section 5 of the Consular Identification Document Act [5 ILCS 230/5]; ~~and~~.
  - 6) Verification of residency form.
- b) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents (see Appendix B).~~Applicants for an original non-Visa status TVDL shall be required to submit a verification of residency form.~~
- e) ~~Applicants for a renewal, duplicate or corrected TVDL do not have to submit a verification of residency form.~~
- cd) A TVDL holder who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous name, date of birth or gender and the new name, date of birth or gender.
- de) Documents that are acceptable for the purpose of obtaining a TVDL:

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- 1) Written Signature:
  - Consular Identification Document
  - Cooperative Driver Certificate
  - Court Order
  - Credit Card – Major Brand
  - Driver's License or Identification Card (issued by another state of the United States)
  - Foreign Passport (with complete date of birth: day, month and year)
  - Mexican Electoral Card
  - Mortgage or Installment Loan Agreement
  - United States Federal, State or Local Government ID Card
- 2) Name and Date of Birth:
  - Consular Identification Document
  - Foreign Passport (with complete date of birth: day, month and year)
- 3) Current Illinois Residence Address:
  - Bank Statement (dated within 90 days prior to application)
  - Certified Grade School/High School/College/University Transcript
  - Consular Identification Document
  - Credit Report Issued by Experian, Equifax or TransUnion (dated within 90 days prior to application)

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Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency (dated within 90 days prior to application)

Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Selective Service Card

Tuition Invoice or Other Official Mail from a College or University (dated within 90 days prior to application)

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas; dated within 90 days prior to application)

- 4) Illinois Residency in Excess of One Year (all documents must be dated at least 12 months prior to the date of application):

Bank Statement

Certified Grade School/High School/College/University Transcript

Deed/Title, Mortgage, Rental/Lease Agreement

Homestead Exemption Receipt

Insurance Policy (homeowner's or renter's)

Medical Claim or Statement of Benefits from Private Insurance Company or Public (government) Agency

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Official Mail from a State, County, City, Village or Federal Agency (that includes the applicant's first and last name and complete address)

Pension or Retirement Statement

Report Card from Grade School/High School/College/University

Tuition Invoice or Other Official Mail from a College or University

Utility Bill (electric, water, refuse, telephone (land or cell), cable or gas)

e) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

f) Unacceptable identification documents include, but are not limited to:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

DHS (Department of Human Services) Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

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Instruction Permit/Receipts

Insurance Card

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

- g) All documents presented must be valid and unexpired. Photocopies of documents will not be accepted. Acceptance of documents not listed in this Appendix must be approved by the Director of Driver Services or his or her designee.

(Source: Amended at 40 Ill. Reg. 15397, effective October 26, 2016)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1040.1	Amendment
1040.46	Amendment
1040.101	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104, 625 ILCS 5/2-125 and 625 ILCS 5/6-118(b)
- 5) Effective Date of Rules: December 1, 2016
- 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 rules, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 9332; July 15, 2016
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Difference between Proposal and Final Version: In the text of Section 46 (a), in the last sentence (g) was changed to (f) and (h) was changed to (g). Also, in the same Section in letter (g), the date was changed from 01/1/11 to January 1, 2011.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 1040.101 provides that for sanctions that run concurrently, except miscellaneous suspensions, the Secretary collects only one reinstatement. Miscellaneous Suspensions as defined in Section 1040.1 of the Administrative Code exempts the majority of suspensions/revocations from concurrency.

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Our office collects one fee for each of these sanctions. This amendment repeals concurrency and will require a reinstatement fee for each sanction.

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

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

217/557-4462

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

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

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for <del>Fatal Accident and</del> Personal Injury Suspensions or

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- Revocations
- 1040.48 Vehicle Emission Suspensions (Repealed)
  - 1040.50 Occupational Driving Permit
  - 1040.52 Driver Remedial Education Course
  - 1040.55 Suspension or Revocation for Driver's License Classification Violations
  - 1040.60 Release of Information Regarding a Disposition of Court Supervision
  - 1040.65 Offenses Occurring on Military Bases
  - 1040.66 Invalidation of a Restricted Driving Permit
  - 1040.70 Problem Driver Pointer System
  - 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
  - 1040.100 Rescissions
  - 1040.101 Reinstatement Fees
  - 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
  - 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
  - 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
  - 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
  - 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
  - 1040.110 Bribery
  - 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
  - 1040.115 Suspension for Theft of Motor Fuel
  - 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
  - 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10

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Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007;

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amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016.

**Section 1040.1 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part.

"Alcohol Related Suspension" – a suspension in accordance with IVC Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Applicant" – a person applying for an Illinois driver's license or permit.

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to IVC Section 3-616, an individual issued a parking decal or device pursuant to IVC Section 11-1301.2 or an individual issued a disabled veteran's license plate pursuant to IVC Section 3-609 or 3-609.01.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

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"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with IVC Section 6-306.5 for failure to satisfy fines or penalties for five or more automated traffic law violations.

"BAIID" – Breath Alcohol Ignition Interlock Device.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

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"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" – a license issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), that authorizes the individual to operate a class of commercial motor vehicle as defined in IVC Section 1-111.6.

*"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].*

"Commercial Learner's Permit" or "CLP" – a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), which, when carried with a valid driver's license issued by the same state or jurisdiction of domicile, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid.

*"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce designed to transport passengers or property if the motor vehicle:*

*has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating or a gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or*

*has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds) or more, whichever is greater; or*

*is designed to transport 16 or more passengers, including the driver; or*

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*is of any size and is used in transporting hazardous materials as defined in 49 CFR 383.5 (October 1, 2014).*

*Commercial Motor Vehicle does not include:*

*recreational vehicles, when operated primarily for personal use;*

*vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard, only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or*

*firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code [55 ILCS 5]), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations. [625 ILCS 5/6-500(6)]*

*"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].*

~~*"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.*~~

*"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].*

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*"Conviction-CLP Holder" or "Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]*

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with IVC Section 6-206(a)(13).

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with IVC Sections 6-107(c) and 6-107(d).

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"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with IVC Sections 6-107(c) and 6-108.1.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

"Department of Vehicle Services" – Department of Vehicle Services within the Office of the Secretary of State.

*"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01 issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].*

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in IVC Section 1-159.1 or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

*"Disqualification" – the suspension, revocation, or cancellation of a CLP or CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].*

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required by IVC Section 6-106(b) and all records of

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violations of traffic laws and administrative actions pertaining to driving privileges.

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in IVC Section 6-306.3.

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges pursuant to IVC Section 6-306.6.

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*"False Information" – any information concerning an individual's legal name, address, sex, date of birth, social security number or any photograph that:*

*falsifies all or in part the actual identity of the individual issued the license, permit or identification card;*

*in the case of information concerning an address, is information concerning a non-existent address that is used to obtain a license, permit or identification card; or*

*is any combination of a false identity and a non-existent address. [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)]*

"False Information – Disability Plate or Parking Placard Decal or Device" – 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 Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to IVC Section 3-609 or 3-609.01 that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-702.

*"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].*

*"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].*

*"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, that has been issued by the Secretary of State or an authorized unit of local government that was issued*

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*based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].*

*"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].*

*"Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-304 and/or 7-305.*

*"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].*

*"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.*

*"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].*

*"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the*

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*term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]*

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

*"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].*

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

*"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].*

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.1.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

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"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to IVC Section 11-501.1(d).

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with IVC Section 3-707.

"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

*"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].*

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to IVC Sections 6-107.1(b), 6-110(a-1) or 6-110(a-3).

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with IVC Sections 6-107.1(b) and 6-110(a-1).

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"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Office" ~~— means~~ the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to IVC Section 6-306.5.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

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"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

*"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].*

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

*"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].*

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by IVC Section 6-118(b) to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

*"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].*

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"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

*"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].*

"Safety Responsibility Suspension" – a suspension in accordance with IVC Section 7-205 or 7-208.

"Schedule A-3" – a schedule of liabilities.

*"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].*

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

*"Statutory Summary Revocation" – the revocation by the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways for the period provided in IVC Section 6-208.1. Reinstatement after the revocation period shall occur after the person has been approved for reinstatement through an administrative hearing with the Secretary of State, has filed proof of financial responsibility, has paid the reinstatement fee as provided in IVC Section 6-118, and has successfully completed all necessary examinations. The basis for this revocation of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, involving a motor vehicle accident. [625 ILCS 5/1-197.6]*

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"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in IVC Section 6-208.1.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

*"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].*

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with IVC Section 6-204(d).

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].*

"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with IVC Section 6-306.7.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

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"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

*"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].*

*"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].*

*"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].*

"Unsatisfied Judgment Suspension" – a suspension in accordance with IVC Section 7-303 or 7-313.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, cancelled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with IVC Section 6-306.5.

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"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 40 Ill. Reg. 15417, effective December 1, 2016)

**Section 1040.46 Suspension or Revocation for ~~Fatal Accident and Personal Injury~~  
Suspensions or Revocations**

- a) The Department shall review accidents in which a ~~fatality or~~ personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates ~~a fatality or~~ a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital. No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation. Fatal accidents that occur on or after January 1, 2011 shall not be subject to subsections (a) through (~~fg~~), but shall be subject to subsection (~~gh~~).
- b) Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation for which no points are assigned. The points shall be assigned in the following manner:
  - 1) Five points shall be added to a person's point total for a Type A injury to a maximum of four persons. Five additional points shall be assigned for each Type A injury for the fifth and each subsequent Type A injury. ~~Fifteen points shall be added to a person's total for each fatality arising from the accident.~~
  - 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 shall be added to the person's point total.
  - 3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2). Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any

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revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.

- 4) Ten points shall also be added to the person's point total for each conviction of reckless driving in violation of IVC Section 11-503, speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b), or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 issued within two years prior to or one year subsequent to the accident.
- 5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:
  - A) No conviction associated with a previous suspension or revocation shall be used.
  - B) Only the most serious conviction resulting from the accident under review shall be used.
- c) For accidents involving personal injury~~no fatality~~, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.
- ~~d) For accidents involving a fatality, if a person accumulates zero to 29 points, the Department shall take no action. Thirty to 39 points shall result in a six month suspension and 40 to 49 points shall result in a nine month suspension. Fifty to 59 points shall result in a 12 month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.~~
- ~~d)e) Any person whose driving privileges were suspended, revoked or cancelled at the time of the ~~fatal~~ or personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 shall have his/her driving privileges revoked.~~

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- e)f) In accordance with IVC Section 6-206(a)(4), any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a ~~fatality or~~ personal injury, whichever date occurs later.
- f)g) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 shall have his/her driving privileges revoked under the applicable IVC Section.
- g)h) Any person who is convicted of an offense regulating the movement of traffic with an arrest date on or after January 1, 2011+1+11 that resulted in proximate death of any person shall have his/her driving privileges revoked under ~~the applicable~~ IVC Section 6-205(a)(16).

(Source: Amended at 40 Ill. Reg. 15417, effective December 1, 2016)

**Section 1040.101 Reinstatement Fees**

- a) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation shall be as prescribed by IVC Section 6-118(b).
- b) The Department shall collect one fee for each suspension and revocation identified in IVC Section 6-118(b) prior to license reinstatement. ~~The fee collected by the Department for concurrent actions requiring reinstatement fees shall be for the action requiring the highest fee that would be charged for a single action if each action were considered separately.~~
- c) If a suspension or revocation is rescinded, the Department shall not collect a reinstatement fee for that specific action.

(Source: Amended at 40 Ill. Reg. 15417, effective December 1, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 25, 2016 through October 31, 2016. The rulemakings are scheduled for review at the Committee's November 15, 2016 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>
12/8/16	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	5/6/16 40 Ill. Reg. 6936	11/15/16
12/8/16	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	7/22/16 40 Ill. Reg. 9909	11/15/16
12/8/16	<u>Department of Healthcare and Family Services</u> , Hospital Reimbursement Changes (89 Ill. Adm. Code 152)	5/6/16 40 Ill. Reg. 6966	11/15/16
12/9/16	<u>Illinois Student Assistance Commission</u> , Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)	9/9/16 40 Ill. Reg. 12942	11/15/16
12/9/16	<u>Department of Public Health</u> , Regional Poison Control Center Code (77 Ill. Adm. Code 215)	8/19/16 40 Ill. Reg. 11115	11/15/16
12/9/16	<u>Department of Public Health</u> , Automated External Defibrillator Code (77 Ill. Adm. Code 525)	8/19/16 40 Ill. Reg. 11131	11/15/16

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12/9/16	<u>Department of Public Health</u> , Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946)	8/12/16 40 Ill. Reg. 10751	11/15/16
12/9/16	<u>Teachers' Retirement System of the State of Illinois</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	7/8/16 40 Ill. Reg. 9146	11/15/16

## PROCLAMATIONS

**2016-290****Flag Lowering – Honoring Sgt. Douglas J. Riney**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

WHEREAS, on Wednesday, October 19, 2016, 26-year-old U.S. Army Sergeant Douglas J. Riney of Fairview, Illinois, lost his life after encountering hostile enemy forces in Kabul, Afghanistan, while in support of Operation Freedom's Sentinel; and,

WHEREAS, Sergeant Riney entered active duty service in the United States Army in July 2012 as a petroleum supply specialist and had been assigned to the Support Squadron, 3rd Cavalry Regiment, 1st Cavalry Division, Fort Hood, Texas, since December 2012; and,

WHEREAS, Sergeant Riney had been awarded the Purple Heart, Bronze Star, Army Commendation Medal, four Army Achievement Medals, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with three campaign stars, Global War on Terrorism Service Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, and NATO Medal; and,

WHEREAS, throughout his career as a proud member of the United States Army, Sergeant Douglas J. Riney represented the State of Illinois admirably; and,

WHEREAS, Sergeant Riney is survived by his wife Kylie, children Elea and James, and many family members and friends;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting from sunrise on Saturday, October 29, 2016, until sunset on Monday, October 31, 2016, in honor and remembrance of U.S. Army Sergeant Douglas J. Riney whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor October 26, 2016

Filed by the Secretary of State October 26, 2016

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 40, Issue 46 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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