

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 29 Issue 5  
January 28, 2005  
Pages 1460-1688

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Public Accounting Act
- 2) Code Citation: 68 Ill. Adm. Code 1420
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1420.10	Amendment
1420.20	Amendment
1420.25	New Section
1420.30	Amendment
1420.35	Amendment
1420.40	Amendment
1420.50	Amendment
1420.60	Amendment
1420.70	Amendment
1420.80	Amendment
1420.90	Amendment
- 4) Statutory Authority: Illinois Public Accounting Act [225 ILCS 450].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-683 significantly altered the Illinois Public Accounting Act; this proposed rulemaking implements its provisions. It returns authority for the regulation of public accounting in Illinois to the Department of Financial and Professional Regulation-Division of Professional Regulation and further provides for the registration of certified public accountants. In response to the Sarbanes-Oxley Act of 2002, additional requirements were added to Section 1420.30 for firms who wish to become licensed within the State. Makes numerous technical changes throughout the Part to update references and bring the rules into conformity with the Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of public accountants and certified public accountants.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Public accounting skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

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

## PART 1420

## ILLINOIS PUBLIC ACCOUNTING ACT

## Section

1420.10	Experience
1420.20	Application for Licensure <u>as a Certified Public Accountant-Individual</u>
<u>1420.25</u>	<u>Application for Licensure as a Registered Certified Public Accountant</u>
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at 24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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**Section 1420.10 Experience**

The Department of Financial and Professional Regulation-Division of Professional Regulation (~~Division~~~~the Department~~) shall license as certified public accountants individuals who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills that may be gained through employment in government, industry, academia, or public practice. ~~those individuals who have gained the required one year of experience as follows:~~

- a) ~~On the professional staff of a practicing public accountant licensed in this or any other state; or~~
- b) ~~As an employee of a government agency performing work normally directed toward the expression of an independent opinion on financial statements, in accordance with generally accepted accounting principles and the work is done in accordance with generally accepted auditing standards. Such work shall be with:~~
  - 1) ~~Firms engaged in 3 or more distinct lines of commercial or industrial business; or~~
  - 2) ~~Three or more governmental agencies or independent organizational units, not an employer of the applicant, in which the results of such auditing are reported to a third party; or~~
  - 3) ~~Review of financial statements and supporting material covering the financial condition and operations of at least 3 entities engaged in 3 or more lines of business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles, applicable laws and governmental regulations; or~~
- e) ~~In experience or employment substantially equivalent to either (or a combination of both) subsections (a) and (b) above. Such experience or employment:~~
  - 1) ~~Must involve the performance of duties or services similar in nature to those customarily performed in subsections (a) and (b) above;~~
  - 2) ~~Must be performed while the applicant is in a responsible financial position (such as internal audit, or controllership responsibilities for an~~

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~~entity with complex financial statements and accounting systems);~~

~~3) May require more than one year of actual experience to qualify as being the equivalent of one year of experience in subsections (a) and (b) above; and~~

~~4) Must be evaluated by the Public Accounting Registration Committee for each applicant on a case-by-case basis; or~~

~~d) Any combination of subsections (a), (b) and (c) above.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.20 Application for Licensure as a Certified Public Accountant-Individual**

An applicant for licensure as a certified public accountant shall file an application with the Division that ~~Department, which~~ shall include the following:

- a) Certification of the issuance of a valid and unrevoked Illinois Certified Public Accountant (C.P.A.) Certificate, issued by the Illinois Board of Examiners; a similar CPA certification from another jurisdiction; or current registration as a certified public accountant with the Division at the University of Illinois;
- b) Proof of the experience pursuant to Section 1420.10 of this Part;
- c) A complete work history since receipt of either the Certified Public Accountant Certificate or registration as a certified public accountant with the Division;
- d) The required fee, specified in Section 1420.40~~(a)~~;
- e) Proof acceptable to the Division~~Department~~ of having completed not less than 90 hours of continuing education, as defined in Section 1420.70 of this Part, in the 3 years immediately preceding the application, if more than 4 years have elapsed since the applicant has been awarded the C.P.A. certificate required by subsection (a) ~~above~~; and
- f) A certification of licensure from another jurisdiction, if applicable, stating:
  - 1) The date of issuance of the applicant's license;

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- 2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.25 Application for Licensure as a Registered Certified Public Accountant**

Any person seeking a license as a registered certified public accountant pursuant to Section 4 (Transitional Language) of the Act shall file an application with the Division postmarked no later than June 30, 2010 on forms provided by the Division. The application shall include the following:

- a) Proof of a Certified Public Accountant certificate issued by the Illinois Board of Examiners or proof of similar certification from another jurisdiction with equivalent educational requirements and examination standards. The Division may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or any other qualification appraisal service, as it deems appropriate; and
- b) The required fee specified in Section 1420.40.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.30 Application for Licensure – Firm**

- a) For purposes of this Section
  - 1) Firm shall include:
    - A) A partnership, corporation, limited liability company or any other form of business organization determined by the ~~Division~~**Department** or other regulatory authority to be authorized or entitled to conduct business in this State and meeting requirements of the Act relating to the practice of public accounting in this State;
    - B) A public accounting unit consisting of an individual licensee operating under a business name other than the licensee's own name, including but not limited to a business name that contains such words as "and Company", "and Associates" or similar words

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indicating that others take part in the conduct of the business.

- 2) "Member" includes a partner, shareholder in a corporation, member of a limited liability company and any other person (natural or otherwise) who or which is the owner of an interest in a firm.
- b) A firm seeking licensureregistration shall submit an application to the DivisionDepartment with the required fee set forth in Section 1420.40, along with one affidavit stating:
- 1) The name, address and Illinois license number of each member personally engaged in Illinois in the practice of public accounting;
  - 2) The name, address and Illinois license number of each person in charge of an office of the firm in Illinois; ~~and~~
  - 3) ~~That each member not personally engaged in the practice of public accounting in Illinois is a certified public accountant or is otherwise authorized to practice accounting in some jurisdiction.~~
- c) A majority of the ownership of the firm, in terms of financial interest and voting rights of all partners, officers, shareholders, members or managers, belongs to persons licensed in some state, and that the partners, officers, shareholders, members or managers whose principle place of business is in this State and who practice public accounting in this State shall hold a valid license issued by this State.
- d) Every firm licensed under the Act shall notify the DivisionDepartment of any change in members at the time of renewal.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.35 Temporary Practice**

Any person practicing pursuant to this Section shall file a notice with the Division, on forms prescribed by the Division, that shall include a certification from the jurisdiction of current licensure stating:

- a) The date the applicant's license was issued;

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- b) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- c) The required fee specified in Section 1420.40.

~~Temporary practice shall include only those engagements that were initiated in another state, with the business that is located in Illinois being a subsidiary, division or branch of the business located in the other state.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.40 Fees For the Administration of the Act**

The following fees shall be paid to the ~~Division~~**Department** for the functions performed by the ~~Division~~**Department** under ~~the~~**this** Act and shall be non-refundable:

- a) The fee for application ~~and for a certificate of licensure~~ as a licensed certified public accountant is ~~\$120~~\$75;
- b) The fee for application as a registered certified public accountant is \$90;
- c)~~b)~~ The fee for renewal of a license as a licensed certified public accountant is ~~\$40~~\$20 per year;
- d) The fee for renewal of a license as a registered certified public accountant is \$30 per year;
- e)~~e)~~ The fee for a license as a firm engaged in public accounting is ~~\$120~~\$75;
- f)~~d)~~ The fee for renewal of a license as a firm engaged in public accounting is \$40 per year;
- e) ~~The fee for a license as a public accountant by endorsement from another jurisdiction is \$75;~~
- g)~~f)~~ The fee for restoration of a license from inactive status is the current renewal fee~~;~~;
- h)~~g)~~ The fee for restoration of a license other than from inactive status is ~~\$20~~\$50 plus all lapsed renewal fees, not to exceed \$260;

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- i)h) The fee for certification of a licensee's record is \$20;
- j)h) The fee for a duplicate or replacement license ~~or replacement certificate~~ is \$20;
- k)j) The fee for a wall certificate is the cost of production;
- l)k) The fee for change of name or address on a licensee's record, other than during renewal, is \$20;
- m) The processing fee for temporary registration to practice public accounting within Illinois is \$50 for one year;
- n)h) The fee for a roster of licensed certified public accountants shall be the actual cost of producing such a roster. Actual roster cost shall equal (total number of licensees in list requested) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms);
- o)m) The fee for application to be a sponsor of approved continuing education courses shall be \$150, ~~except the fee for applicants who submit proof of prior unrevoked registration with the Continuing Professional Education (CPE) Registry of the National Association of State Boards of Accountancy shall be \$75.~~ Publicly supported colleges, universities and governmental agencies located in Illinois are exempt from payment of fees for continuing education sponsor registration and renewal;
- p)n) The renewal fee for sponsors of CPE shall be \$150, ~~except the renewal fee for registered sponsors who are also registered with the National Association of State Boards of Accountancy shall be \$75;~~
- q)h) Upon request, one copy of the Act and Rules will be provided free of charge. Additional copies may be obtained for one dollar per copy.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.50 Endorsement**

- a) Any person currently licensed in another jurisdiction who desires to obtain a license as a licensed certified public accountant by endorsement shall file an application with the Division~~Department~~, together with:

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- 1)a) Certification from the jurisdiction of original licensure of the issuance of a valid and unrevoked license or permit showing the applicant possesses qualifications substantially equivalent to this State's current licensing requirements. If the qualifications by which an individual was licensed were not substantially equivalent, after passing the examination upon which his or her license or other permit to practice was based, an applicant shall have not less than 4 years of experience in the practice of public accounting within the 10 years immediately preceding the date of application; Illinois Certified Public Accountant (C.P.A.) Certificate, issued by the Board of Examiners at the University of Illinois;
- 2)b) A certification from the jurisdiction of current~~original~~ licensure and any other jurisdiction in which he/she is~~may have been~~ licensed stating:
  - A)1) The date of issuance of the applicant's license;
  - B)2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- 3) A complete work history since obtaining original licensure or other permit to practice; and
- 4) The required fee specified in Section 1420.40.
- b) Any person currently certified or licensed in another jurisdiction who desires to obtain a license as a registered certified public accountant by endorsement shall file an application with the Division, together with:
  - 1) Certification from the jurisdiction of original certification or licensure of the issuance of a valid and unrevoked license or permit showing the applicant possesses qualifications substantially equivalent to the State's current licensing requirements;
  - 2) A certification from the jurisdiction in which he/she is currently licensed stating:
    - A) The date of issuance of the applicant's license;
    - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

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- 3) The required fee specified in Section 1420.40.
- c) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Division may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.
- e) Verification that the applicant has completed one year of employment/experience as defined in Section 1420.10 of this Part.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.60 Restoration**

- a) A person seeking restoration of a license as a registered certified public accountant~~prior to September 30, 1997~~, after it has expired or been placed on inactive status for 5 years or more, shall file an application with the Division~~Department~~ together with the required fee specified in Section 1420.40 of this Part and proof of 80 hours of continuing education as defined in Section 1420.70 of this Part in the 2 years immediately preceding application for restoration.
- b) A person seeking restoration of a license as a licensed certified public accountant~~on or after September 30, 1997~~, after it has expired or been placed on inactive status for 5 years or more, shall file an application with the Division~~Department~~ together with the required fee specified in Section 1420.40 of this Part and proof of 120 hours of continuing education as defined in Section 1420.70 of this Part in the 3 years immediately preceding application for restoration. Not less than 4 hours of the 120 hours shall be courses covering the subject of professional ethics. The applicant shall also submit one of the following:
- 1) One verification of employment completed by an employer, co-worker or client; or
  - 2) Proof of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

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- 3) Certification of licensure from the licensing authority, stating the dates of licensure and whether the records of the licensing authority contain any record of disciplinary action taken or pending; or
- 4) One verification of employment attesting to the applicant's practice of public accounting in a jurisdiction where licensure is not required; or
- 5) An affidavit attesting to military service as provided in Section 17.1 of the Act; or
- 6) Other proof acceptable to the ~~Division~~Department of the applicant's fitness to have the license restored.

c) ~~Individuals who held a license in Illinois as a certified public accountant less than 3 years are not required to complete the minimum 4 hours in professional ethics.~~

d)b) A person seeking restoration of a license that has expired or been placed on inactive status for less than 5 years shall have the license restored upon payment of the required fee as specified in Section 1420.40. ~~A licensed certified public accountant must also submit and proof of 40 hours each year of part thereof since the license has been expired or placed on inactive status, but in no event more than~~ 120 hours of continuing education as defined in Section 1420.70 of this Part. The CPE hours must have been obtained within the 3 years immediately preceding application for restoration. However, any licensee whose license expired while in military service as provided in Section 17.1 of the Act shall be excused from the payment of any lapsed renewal fees if application for restoration is made within 2 years of termination of such service.

e)e) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17.1 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

f)d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:

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- 1) provide such information as may be necessary; and/or
- 2) appear for an interview before the Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.70 Continuing Professional Education**

- a) Approved continuing professional education course or program (CPE course), as used in this Part, shall mean a course or program that complies with subsection (d) of this Section. In addition, courses sponsored or approved by other states or other state CPA societies ~~or courses offered outside of Illinois by sponsors registered with the National Association of State Boards of Accountancy (NASBA)~~ shall be considered approved.
- b) Recognized educational or professional sponsor, as used in this Part, shall mean:
  - 1) The American Institute of Certified Public Accountants (AICPA);
  - 2) The Illinois CPA Society/Foundation (ICPAS/F); ~~or~~
  - 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees; ~~or-~~
  - 4) The National Association of State Boards of Accountancy (NASBA).
- c) Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group responsible for coordination and presentation of an approved CPE course or program.
- d) An approved CPE course or program is an organized program of formal learning that contributes directly to a certified public accountant's knowledge, ability or competence to perform his/her duties as a public accountant. Those programs and courses will qualify if they meet the following minimum requirements:
  - 1) The course or program shall include as its subject matter one or more of the following:

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- A) Accounting and auditing
  - B) Taxation
  - C) Management services
  - D) Computer sciences
  - E) Mathematics, statistics, probability, and quantitative applications to organization
  - F) Economics
  - G) Finance
  - H) Business, securities and administrative law
  - I) Business management and employee benefits
  - J) Professional ethics for certified public accountants
  - K) Auditing public or private sector specialized industries
  - L) Administrative practice; e.g., engagement letters, fee structure and personnel management
  - M) Effective presentation techniques
  - N) Professional Writing
  - O) Decision Making
  - P) Practice development
- 2) All courses and programs shall be developed and presented by persons with education and/or experience in the subject matter of the program to ensure compliance with the standards stated herein.
  - 3) All programs must include some mechanism whereby the participants

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evaluate the over-all quality of the program.

- 4) All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used, and the number of CPE hours that will be earned.
  - 5) An interactive self-study course or program is a program that uses interactive learning methodologies that simulate the classroom learning process by employing computer software, other technology or administrative systems that provide significant, ongoing, interactive feedback to the learner regarding his or her learning process. For reporting periods ending on or after September 1, 1997, interactive self-study programs shall qualify for full credit, except as limited by the provisions of subsection (e)(4).
  - 6) The ~~sponsor~~~~sponsor(s)~~ of all courses and programs will provide each participant with a certificate or other proof of attendance, which must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The ~~sponsor~~~~sponsor(s)~~ shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.
- e) Credit Hours – Each approved CPE course or program "hour" shall include, as a minimum, 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall equal one CPE course credit hour. Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.
- 1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed for additional

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study or research. In no case shall credit for actual time of presentation and preparation be given for more than 60 hours during any renewal period.

- 2) CPE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles or books be given for more than 30 hours during any renewal period.
- 3) A correspondence or individual study course shall qualify if it meets all other requirements of these rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. Credit hours for a correspondence or individual study course, other than an interactive self-study course, shall be allowed on the basis of one-half of the average completion time determined by the sponsor. In no case shall credit for correspondence or individual study courses, other than an interactive self-study course, be given for more than 60 hours during any renewal period.
- 4) In addition to the limitations stated in subsection (e)(3), not more than 80 hours during any renewal period may consist of a combination of interactive self-study and correspondence or individual study courses.
- 5) CPE course credit will be allowed for programs or courses taken toward the satisfaction of continuing education provisions in other [states](#)~~States~~.
- f) Recognized educational or professional sponsors, as specified in subsection (b) ~~above~~, shall be approved upon filing a sponsor application ~~form~~ with the ~~Division~~~~Department~~ and payment of the required fee set forth in Section 1420.40 of this Part. Such filing shall not prevent the ~~Division~~~~Department~~ from requiring additional information; to ensure full and continued compliance with the statute and this Part. The ~~Division~~~~Department~~ will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.
- g) All other sponsors shall be approved upon application to the ~~Division~~~~Department~~,

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payment of the required fee set forth in Section 1420.40 of this Part and upon providing the ~~Division~~Department the following additional certification:

- 1) That all courses and programs offered by such sponsor for CPE course credit will comply with this Section;
  - 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain such records for not less than five years; and
  - 3) That, upon request by the ~~Division~~Department, the sponsor will submit such evidence as is necessary to establish compliance with the requirements of this Section. Such evidence will be requested when the ~~Division~~Department has reason to believe that there is not full and continued compliance with the statute and this Part and that the information is necessary to ensure compliance.
- h) Upon failure of any sponsor to comply with the requirements of this Section, the ~~Division~~Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.
- i) All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40~~(e)~~ of this Part.
- j) The ~~Division~~Department shall periodically audit CPE course information submitted by applicants to verify such information, and shall verify such information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully complied with the requirements of the Act or this Part.
- k) Any approved sponsor's ~~course~~course(s) shall be disapproved if the sponsor fails or refuses to provide information to the ~~Division~~Department for ascertaining compliance with this Part as specified in subsections (f) and (g)~~-above~~.
- l) Continuing Education Earned in Other Jurisdictions-
- 1) If a renewal applicant will be earning or has earned CPE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual

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program approval request form, along with a \$25 processing fee, to have the program reviewed. The Committee shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (d) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted 90 days prior to the expiration date of the license.

- 2) If a licensee fails to submit an out of state CPE approval form within the required time, late approval may be obtained by submitting the application with the \$25 processing fee plus a \$10 per CPE hour late fee, not to exceed \$150. The Committee shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (d) of this Section.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.80 Renewals**

- a) Every license issued under the Act shall expire on September 30 every three years. The holder of a license may renew ~~thesueh~~ license during the 2 months preceding the expiration date thereof by paying the required fee. Licensed certified public accountants shall complete and submitting proof of 120 hours of CPE in accordance with Section 1420.70 of this Part. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. A registered certified public accountant is exempt from CPE requirements. Such applications shall include a listing of all programs and courses, along with the date given, the name of the sponsor of the course and the number of hours of credit claimed.
- b) Every license for a firm shall expire on November 30 every 3 years. Firms may renew ~~theirsueh~~ license during the 2 months preceding the expiration date thereof by submitting the required fee, notification of any change in members residing in Illinois and verification that the firm continues to meet the qualifications set forth in Section 14 of ~~thethis~~ Act.
- c) A ~~licensed certified public accountantrenewal applicant~~ is ~~exempt fromnot required to comply with~~ CPE requirements for the first renewal.
- d) It is the responsibility of each licensee to notify the ~~Division~~Department of any

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change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to renew.

- e) A licensee may file an application for renewal without having fully complied with the continuing education requirements by requesting a waiver of such requirements. ~~The~~Sueh request shall include an affidavit setting forth the facts upon which the request for waiver is based. If the ~~Division~~Department finds from ~~the~~sueh affidavit or any other evidence submitted, that good cause has been shown for non-compliance, the ~~Division~~Department shall waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee. Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CPE course requirements during the applicable period because of:
- 1) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
  - 2) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
    - A) An incapacitating illness,
    - B) A physical inability to travel to the sites of approved programs, or
    - C) Any other similar extenuating circumstances.
- f) An interview before the Committee with respect to a request for waiver or other action shall be granted if ~~the~~sueh interview is requested at the time the request for waiver is filed with the ~~Division~~Department. The renewal applicant requesting waiver shall be given at least 20 days' written notice of the date, time and place of ~~the~~sueh interview, by certified mail, return receipt requested.
- g) A renewal applicant who fails to include evidence of completion of the requisite number of CPE course hours shall be referred to the Committee for recommendation for further action by the ~~Division~~Department.
- h) No carry over of continuing education hours is allowed from one prerenewal period to another.

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(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.90 Annual Report of the Committee**

The Public Accountant Registration Committee shall submit a written report, on an annual basis, to the Director in which it shall evaluate its own and the ~~Division's~~~~Department's~~ performance, inform the ~~Division~~~~Department~~ of practice developments within the public accounting profession and provide recommendations for statutory or regulatory program changes.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Public Accounting Act (Professional Conduct)
- 2) Code Citation: 68 Ill. Adm. Code 1430
- 3) Section Number: 1430.1030                      Proposed Action: New Section
- 4) Statutory Authority: Illinois Public Accounting Act [225 ILCS 450]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-683 added Section 30.4 to the Public Accounting Act concerning prohibited practice, pertaining to services provided by accounting firms and regulating the provision of certain non-audit activities to certain audit clients. This Part is being amended by adding Section 1430.1030 in an effort to promote clear standards and consistency in the enforcement of Section 30.4.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813

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

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of public accountants.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Public accounting skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1430

## PUBLIC ACCOUNTING ACT (PROFESSIONAL CONDUCT)

## SUBPART A: GENERAL INFORMATION

## Section

1430.300	Preamble
1430.500	Definitions
1430.800	Applicability of Rules

## SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

1430.1010	Independence
1430.1020	Integrity and Objectivity
<a href="#">1430.1030</a>	<a href="#">Provision of Non-Audit Services</a>

## SUBPART C: COMPETENCE AND TECHNICAL STANDARDS

1430.2010	Competence
1430.2020	Auditing Standards
1430.2030	Accounting Principles
1430.2040	Forecasts

## SUBPART D: RESPONSIBILITIES TO CLIENTS

1430.3010	Confidential Client Information
1430.3020	Contingent Fees

## SUBPART E: RESPONSIBILITIES TO COLLEAGUES

1430.4010	Relationships Between Accountants
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## SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

1430.5010	Acts Discreditable
1430.5030	Commissions and Referral Fees

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1430.5040 Incompatible Occupations  
1430.5050 Form of Organization and Name

## SUBPART G: GENERAL PROVISIONS

1430.6010 Rules and Regulations  
1430.6020 Suspension or Modification of Rules  
1430.6030 Construction of Rules

1430.APPENDIX A Generally Accepted Auditing Standards  
1430.APPENDIX B Resolution of Council Regarding Accounting Principles

AUTHORITY: Implementing Section 19 of the Illinois Public Accounting Act [225 ILCS 450/19] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules of Professional Conduct for the Illinois Public Accounting Act, effective September 2, 1976; codified at 5 Ill. Reg. 11061; transferred from Chapter I, 68 Ill. Adm. Code 430 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1430 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2973; amended at 17 Ill. Reg. 13487, effective July 30, 1993; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

**Section 1430.1030 Provision of Non-Audit Services**

- a) The following definitions of terminology are applicable wherever the terminology is used in this Section.
- 1) "Affiliate" means a business organization that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a company.
  - 2) "Annual Revenues" means revenues as reflected on a company's audited financial statements for the applicable fiscal year.
  - 3) "Company" means a company, excluding a not-for-profit organization, that:

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- A) has its principal place of business located in the State of Illinois;
  - B) is not required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934; and
  - C) during its previous fiscal year, had annual revenues exceeding \$50,000,000 or employed more than 500 employees in the State of Illinois.
- 4) "Permitted non-audit services" means non-audit services other than regulated non-audit services.
- 5) "Regulated non-audit services" means those non-audit services enumerated in paragraphs (1) through (9) of subsection (g) of Section 10A of the Securities Exchange Act of 1934 (15 USC 78j-1(g)(1) through (9), as amended. In the implementation of this Section and in the enforcement of 225 ILCS 450/30.4, the following will guide the Department in its determination of the scope of such non-audit services and the extent to which non-audit services constitute regulated non-audit services:
- A) the qualifications set forth in Sections 2(a)(2), 201 and 202 of the Sarbanes-Oxley Act of 2002 (15 USC 7201);
  - B) the regulations adopted by the Federal Securities and Exchange Commission and the Public Company Accounting Oversight Board to implement paragraphs (1) through (9) of subsection (g) of Section 10A of the Securities Exchange Act of 1934, as amended, and to implement Sections 2(a), 201 and 202 of the Sarbanes-Oxley Act of 2002 (15 USC 7201); and
  - C) judicial and administrative interpretations of the statutes and regulations listed in subsections (a)(5)(A) and (B).
- b) Any licensed public accountant, licensed certified public accountant, or public accounting firm that practices public accounting in this State and provides regulated non-audit services to a company while contemporaneously providing audit services shall:
- 1) present a written notice of the contemporaneous provision of audit services and regulated non-audit services to the company prior to the

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- commencement of the contemporaneous provision of the regulated non-audit services; and
- 2) receive a signed acknowledgement, from the president or chief executive officer of the company to which the contemporaneous audit services and regulated non-audit services are to be provided, that the company is aware of and agrees to the contemporaneous provision of the audit services and regulated non-audit services.
- c) The annual revenues and number of employees of a company's affiliates shall not be considered when determining whether Section 30 of the Act applies to that company. Section 30 of the Act shall not apply to a company that is a subsidiary of a business organization that is required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934.
- d) An acknowledgement signed pursuant to subsection (b)(2) shall allow the licensed public accountant, licensed certified public accountant, or public accounting firm to provide any regulated non-audit services contemporaneously with audit services for a one-year period from the date of the acknowledgement. An acknowledgment that is executed prior to 30 days after the issuance of this Section 1430.1030 shall be retroactive to July 2, 2004.
- e) A licensed public accountant, licensed certified public accountant, or public accounting firm may not provide regulated non-audit services to a company contemporaneously with audit services if the licensed public accountant, certified public accountant, or public accounting firm has engaged in criminal activity or willful or wanton negligence directly relating to the contemporaneous provision of auditing services and regulated non-audit services to that company.
- f) If, pursuant to subsection (e), a licensed public accountant, licensed certified public accountant, or public accounting firm is prohibited from providing regulated non-audit services to a company contemporaneously with audit services, the prohibition shall apply on a prospective basis only and shall not apply to regulated non-audit services provided prior to the conduct that resulted in the prohibition.
- g) Where the conduct of an individual accountant employed by a public accounting firm results in a prohibition under subsection (e), the public accounting firm is prohibited from providing regulated non-audit services to a company

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contemporaneously with audit services only if a firm would be liable under Illinois law for the wrongful conduct of the individual accountant.

- h) No notice and acknowledgement, as provided in subsection (b), is required prior to the provision of permitted non-audit services by a licensed public accountant, licensed certified public accountant, or public accounting firm to a company.
- i) A violation of this Section shall subject a licensed public accountant, licensed certified public accountant, or public accounting firm to the provisions of Section 20 of the Act.
- j) Nothing in this Section shall be construed to authorize or permit the provision of any services by a licensed public accountant, licensed certified public accountant, or public accounting firm that would result in a lack of independence under applicable ethics standards of the accounting profession.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.4545      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-769 increases the dollar value of sales that retail and wholesale vendors attain in order to be considered small. The current retail threshold was increased from \$1.5 million to \$6 million. The wholesale threshold was increased from \$7.5 million to \$10 million. Construction and manufacturing limits were unchanged. As a result of this new legislation, more Illinois businesses will be able to contract with the State under set-aside provisions, which will help businesses compete for State contracts. Public Act 93-769 is effective January 1, 2005. The current annual sales rules simply reflect the statutory language and do not interpret the statute. These rules are being modified solely to reflect the statutory change. When computing the size status of a business, the new dollar threshold amounts indicated in the Public Act will be used.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson  
Illinois Department of Central Management Services

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720 Stratton Office Building  
Springfield, Illinois 62706  
217/785-1793

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any retail business whose annual sales and receipts do not exceed \$6 million and any wholesale business whose annual sales do not exceed \$10 million.
  - B) Reporting, bookkeeping or other procedures required for compliance: Since the Small Business Set-Aside Program has been in effect since 1998, reporting and bookkeeping procedures are already in place. The method for qualifying a small business will not change. Additional staff may be required to assist with the anticipated increase of vendor participation.
  - C) Types of professional skills necessary for compliance: If additional staff is utilized, this will be in the form of data entry/clerical personnel.
- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent regulatory agendas because: the changes are a result of legislation, Public Act 93-769.

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.01 Title
- 1.05 Policy
- 1.08 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## Section

- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection
- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

## SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

## Section

- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

## SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

## Section

- 1.2047 Security Requirements

## SUBPART H: SPECIFICATIONS AND SAMPLES

## Section

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1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section  
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section  
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section  
1.2560 Prevailing Wage  
1.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section  
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND  
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section  
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section  
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section  
1.4505 Procurement Preferences  
1.4510 Resident Bidder Preference  
1.4530 Correctional Industries

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- 1.4535 Sheltered Workshops for the Disabled
- 1.4540 Gas Mileage
- 1.4545 Small Business
- 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 1.5013 Conflicts of Interest
- 1.5015 Negotiations for Future Employment
- 1.5020 Exemptions
- 1.5030 Revolving Door
- 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 1.5510 Complaints Against Vendors
- 1.5520 Suspension
- 1.5530 Resolution of Contract Controversies
- 1.5540 Violation of Law or Rule
- 1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1.6500 General
- 1.6510 No Agency Relationship
- 1.6520 Obligations of Participating Governmental Units

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- 1.6530 Centralized Contracts – Estimated Quantities  
1.6535 Centralized Contracts – Definite Quantities

## SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

- 1.7000 Severability  
1.7010 Government Furnished Property  
1.7015 Inspections  
1.7020 Records and Audits  
1.7025 Written Determinations  
1.7030 No Waiver of Sovereign Immunity

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

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART O: PREFERENCES

**Section 1.4545 Small Business**

- a) Set-Aside  
The CPO may determine categories of supplies or service procurements that will

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be set aside for small business located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

- b) **Small Business List**

The CPO will maintain a list of responsible vendors that meet the criteria of small business. The CPO will periodically inform each purchasing agency of those vendors on the list and the supplies and services that each provides. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) **Required Use**

If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) **Withdrawal of Set-Aside**

If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.
- e) **Criteria for Small Business**

Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

  - 1) Independently owned and operated.
  - 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of

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materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

- 3) With annual sales for most recently ended fiscal year no greater than:
  - A) ~~\$10,000,000~~7,500,000 for wholesale business;
  - B) \$10,000,000 for construction business; or
  - C) ~~\$6,000,000~~1,500,000 for retail business.
- 4) With no more than 250 employees if a manufacturing business.
  - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.
  - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding ~~\$16,000,000~~9,000,000 and the retail component may not exceed ~~\$6,000,000~~1,500,000 and the wholesale component may not exceed ~~\$10,000,000~~7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

- f) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business under the Code. The CPO may establish procedures for verifying such information.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Application of Functional Separation Rules
- 2) Code Citation: 83 Ill. Adm. Code 552
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
552.10	New Section
552.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 7-210 of the Public Utilities Act [220 ILCS 5/7-210]
- 5) A Complete Description of the Subjects and Issues Involved: Section 7-210(i) of the Public Utilities Act was added by P.A. 93-1052, becoming effective on January 1, 2005. This rulemaking determines the extent to which the subject gas utilities shall comply with the functional separations rules for electric utilities adopted pursuant to Section 16-119A of the Public Utilities Act. These rules will be applicable to any gas utility that served more than 60,000 gas customers but less than 75,000 gas customers in this State on January 1, 2000 and that provides competitive electric power and energy to electric delivery service customers through a business division of its electric utility pursuant to Section 16-116 of the Public Utilities Act. The proposed rules set out the material in 83 Ill. Adm. Code 452 that is applicable to the subject gas utilities.
- 6) Will these proposed rules replace any emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 05-0016, with:

Chief Clerk  
Illinois Commerce Commission

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

527 East Capitol Avenue  
Springfield, IL 62701  
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will not affect any small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: Filing
  - C) Types of professional skills necessary for compliance: Managerial skills
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

The full text of the Proposed Rules is identical to the text of the Emergency Rules which appear in this issue of the *Illinois Register* on page 1555.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill Adm. Code 113
- 3) Section Numbers:      Proposed Action:  
     113.253                      Amendment  
     113.260                      Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits. These changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$15.00, the amount of the January 2005 SSA/SSI benefit increase.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.1	Amendment	28 Ill. Reg. 10885; 8/6/04
113.245	Amendment	28 Ill. Reg. 10885; 8/6/04
113.260	Amendment	28 Ill. Reg. 12400; 9/3/04
113.264	New Section	28 Ill. Reg. 10885; 8/6/04

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762  
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Sheltered Care Homes
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

PART 113  
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)
- 113.109 Earned Income (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter
- 113.249 Utilities and Heating Fuel
- 113.250 Laundry

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care/Personal or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

## SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

## SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program
113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 113.420 Financial Factors of Eligibility (Repealed)  
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)  
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)  
113.435 Medical Eligibility (Repealed)  
113.440 Attorney's Fees for SSI Applicants (Repealed)  
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)  
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)  
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of

DEPARTMENT OF HUMAN SERVICES

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150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for ~~\$400.90385.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 113.260 Sheltered Care/Personal or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
<del>976.00</del> <u>976.00</u>	0-7	<del>989.00</del> <u>989.00</u>
<del>873.55</del>		<del>885.55</del>

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

<u>981.00</u> <u>878.55</u>	8	<u>996.00</u> <u>891.55</u>
<u>987.00</u> <u>883.55</u>	9	<u>1002.00</u> <u>897.55</u>
<u>992.00</u> <u>888.55</u>	10	<u>1009.00</u> <u>903.55</u>
<u>998.00</u> <u>893.55</u>	11	<u>1016.00</u> <u>909.55</u>
<u>1003.00</u> <u>898.55</u>	12	<u>1022.00</u> <u>915.55</u>
<u>1009.00</u> <u>903.55</u>	13	<u>1029.00</u> <u>921.55</u>
<u>1014.00</u> <u>908.55</u>	14	<u>1035.00</u> <u>927.55</u>
<u>1020.00</u> <u>913.55</u>	15	<u>1042.00</u> <u>933.55</u>
<u>1025.00</u> <u>918.55</u>	16	<u>1049.00</u> <u>939.55</u>
<u>1031.00</u> <u>923.55</u>	17	<u>1055.00</u> <u>945.55</u>
<u>1036.00</u> <u>928.55</u>	18	<u>1062.00</u> <u>951.55</u>
<u>1042.00</u> <u>933.55</u>	19	<u>1068.00</u> <u>957.55</u>
<u>1047.00</u> <u>938.55</u>	20	<u>1075.00</u> <u>963.55</u>

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

<u>1053.00</u> <del>943.55</del>	21	<u>1082.00</u> <del>969.55</del>
<u>1058.00</u> <del>948.55</del>	22	<u>1088.00</u> <del>975.55</del>
<u>1064.00</u> <del>953.55</del>	23	<u>1095.00</u> <del>981.55</del>
<u>1069.00</u> <del>958.55</del>	24	<u>1101.00</u> <del>987.55</del>

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
830.5	Amendment
830.10	Amendment
830.15	New Section
830.30	Amendment
830.40	Amendment
830.60	Amendment
830.80	Amendment
830.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to add information and regulations pertaining to the commercial harvest of crayfish and to add criteria requirements for areas to be open to commercial harvest of selected mussel species.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel  
Department of Natural Resources

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Persons issued licenses by the Department for commercial harvest of fish and mussels.
- B) Reporting, bookkeeping or other procedures required for compliance:
- Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by January 31 of the following year, whether or not any fish were harvested.
  - Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly record of the undressed weights and species of fish harvested by the 10<sup>th</sup> day of each month following harvest, whether or not any fish or crayfish were harvested.
  - Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10<sup>th</sup> of each month following harvest, whether or not any mussels or mussel shells were harvested.
  - Holders of a commercial mussel dealer's license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10<sup>th</sup> day of each month following purchase, whether or not any mussels or mussel shells were purchased.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This Part was not listed on either of the two most recent Regulatory Agendas because we did not anticipate filing amendments to this Part.

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

## DEPARTMENT OF NATURAL RESOURCES

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

## PART 830

## COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

## Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
<a href="#">830.15</a>	<a href="#">Waters Open to Commercial Harvest of Crayfish</a>
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

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

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendment at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 830.5 Definitions**

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- a) A relic (dead) mussel shell is defined as one which apparently died of natural causes within the water and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.
- b) A legal size mussel for a particular species is defined as a mussel size as set out in Section 830.70 which will not pass through a minimum harvest size circle cutout in a metal plate.
- c) Basket dredge – mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in subsection (e) ~~below~~.
- d) Hand dredge (hand rake, hand powered rake) – mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.
- e) Hand fork – mussel harvesting device similar in appearance to a common cornfork and utilized while wading.
- f) Mechanical devices – refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.
- g) Commercial fishing – includes the commercial harvest of both legal fish and legal crayfish.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.10 Waters Open to Commercial Harvest of Fish**

- a) Mississippi River and adjacent backwaters including that portion of the Kaskaskia River below the navigation lock and dam, except Quincy Bay, including Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River

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Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service  
National Wildlife Refuge Waters (except by special permit).

- b) Illinois River and adjacent backwaters from Route 89 highway bridge downstream, except for:
  - 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
  - 2) Donnelly/Depue Fish and Wildlife Area;
  - 3) Rice Lake Complex, including all of Big Lake;
  - 4) Meredosia Lake in Cass and Morgan Counties during [the central zone](#) duck season; and
  - 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season.
- c) Wabash River.
- d) Embarras River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline [Countiescounties](#).

## DEPARTMENT OF NATURAL RESOURCES

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- l) Ohio River.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.15 Waters Open to Commercial Harvest of Crayfish**

The Illinois River and adjacent backwaters from the Route 89 highway bridge downstream are open to commercial harvest of crayfish, except for:

- a) U.S. Fish and Wildlife National Wildlife Refuge waters;
- b) Donnelly/Depue Fish and Wildlife Area;
- c) Rice Lake Complex, including all of Big Lake;
- d) Meredosia Lake in Cass and Morgan Counties during the central zone duck season; and
- e) Clear Lake in Mason County 7 days prior to and during the central zone duck season.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.30 Special Regulations**

- a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the ~~aforementioned~~ waters listed in Section 830.10.
- b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of legal size as established by Section 830.70. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the mussel bed or location from which they were taken.
- c) It shall be illegal to possess mussel shell more than 15 days after the close of the season without a mussel dealer license.

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- d) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 19.
- e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:
- 1) Hoop nets and basket traps must be attended at least once every 48 hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
  - 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.
  - 3) Trotlines and other hook and line devices must be checked at least every 24 hours.
  - 4) Seines and trammel or gill nets fished by driving or drifting methods must be constantly attended.
  - 5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.
- f) Washboard mussels may not be taken on the Mississippi River.
- g) Crayfish may be taken by commercial fishermen with legal seine only on waters open to the commercial harvest of crayfish. Crayfish may be possessed and used as bait by commercial fishermen while operating commercial gear on other bodies of water open to commercial fishing, but only when such crayfish have been legally obtained from licensed aquaculture, retail, wholesale or non-resident fish dealers.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.40 Devices**

- a) Commercial Fishing~~fishing~~

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1) ~~Devices~~ devices used in the ~~aforementioned~~ waters listed in Section 830.10 shall conform to all regulations as outlined in Article 15 of the Fish and Aquatic Life Code [515 ILCS 5/Art.15] ~~Chapter 515 of the Illinois Compiled Statutes~~. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

2) ~~b)~~ It shall be unlawful:

A) ~~1)~~ To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge, the Ohio River and the Mississippi River.

B) ~~2)~~ To use seines except in the Illinois, Mississippi, Ohio and Wabash Rivers (except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County).

C) ~~3)~~ To use trammel nets in the Ohio River with less than 4 inch bar mesh netting.

b) ~~e)~~ Commercial Musseling

1) ~~Devices~~ devices used in waters open to commercial musseling shall conform to all regulations as outlined in this subsection (b) below and in Articles 1 and 15 of the Fish and Aquatic Life Code [515 ILCS 5/Arts. 1 and 15].

2) ~~d)~~ It shall be unlawful:

A) ~~To~~ To use hand forks.

B) ~~e)~~ ~~To~~ It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.

C) ~~f)~~ ~~To~~ It shall be unlawful to harvest mussels in the Ohio River except by using crowfoot bars.

D) ~~g)~~ ~~To~~ It shall be unlawful to tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.

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3)h) Brail or crowfoot bars must be 20 feet or less in length. ~~No~~ more than 3 bars may be possessed in each boat.

c) Crayfish Harvest  
Seines are the only commercial devices legal to use to commercially harvest crayfish in waters open to the commercial harvest of crayfish. They can be of any length, but not more than 6 feet in depth with a bag not more than 6 feet in height with a mesh no greater than ½ inch bar measurement.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.60 Species**

a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Common Carp and Black Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish (only in waters specified in Section 830.30)
- 6) Carpsuckers
- 7) Suckers (except Longnose Sucker)
- 8) Redhorses (except River Redhorse and Greater Redhorse)
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin
- 12) American ~~eel~~ mussel
- 13) Shovelnose sturgeon

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- 14) Gizzard shad
- 15) White amur (grass carp)
- 16) Minnows
- 17) Goldfish
- 18) Bighead Carp and Silver Carp

b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.

c) The following species of mussels may be taken by licensed commercial musselers:

- 1) Washboard (*Megaloniais nervosa*) (Ohio River Only)
- 2) Threeridge (*Amblyma plicata*)
- 3) Mapleleaf (*Quadrula quadrula*)
- 4) Pimpleback (*Quadrula pustulosa*)
- 5) Monkeyface (*Quadrula metanevra*)
- 6) Wartyback (*Quadrula nodulata*)
- 7) Pigtoe (*Fusconaia flava forma undata*)
- 8) Hickory Nut (*Obovaria olivaria*)
- 9) Pink Heelsplitter (*Potamilus alatus*)
- 10) Pocketbook (*Lampsilis ovata*)

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(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

- a) Additional waters may be open to commercial fishing or musseling by a contract for removal. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10 or 830.20 must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a contract for removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (USFDA 21, CFR 109.30, 1986) (No incorporation in this Part includes later amendments or editions)); and a fair and equitable allocation of commercial fishing or musseling opportunities.
- c) For mussels, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
- 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1; and
  - 2) catch rate (CPUE) for species measured by timed diver sample equal to or exceeding 60 per hour.
- d)e) Commercial fishing contracts will not be issued:
- 1) for non-commercial purposes; or

## DEPARTMENT OF NATURAL RESOURCES

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- 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past ~~12~~ twelve months.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements**

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters and this Part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of the Department of Natural Resources or his agents shall be considered a violation of this Part and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-35, 20-105].
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by January 31 of the following year, whether or not any fish and/or crayfish were harvested.
- d) Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly record of the undressed weights and species of fish harvested by the 10<sup>th</sup> of each month following harvest, whether or not any fish were harvested.
- e) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10<sup>th</sup> of each month following harvest, whether or not any mussels or mussel shells were

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harvested. Reports must be submitted on official Department of Natural Resources report forms.

- f) Holders of a commercial mussel dealer's license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10<sup>th</sup> of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms.
- g) Failure of licensed commercial mussel dealers, fishermen or musselors to submit the required reports in a manner and time frame specified by the Department is a Class B misdemeanor and shall be grounds for refusal on the part of the Department to issue thosesaid individuals a license application for the following year until all required reports are received by the Department.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Watercraft Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 153
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
153.101	New Section
153.105	New Section
153.110	New Section
153.115	New Section
153.120	New Section
- 4) Statutory Authority: 35 ILCS 158; P.A. 93-0840
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets out the implementation of the Watercraft Use Tax Law [35 ILCS 158], as established in P.A. 93-0840.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect: Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Edwin E. Boggess  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-2844

## DEPARTMENT OF REVENUE

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Lessors engaged in the business of leasing or renting watercraft and who sell a used watercraft in connection with that business to a purchaser who will use the watercraft for his or her own use; Businesses and other entities who will use a watercraft in Illinois that was acquired by gift, donation, transfer, or non-retail purchase.
- B) Reporting, bookkeeping or other procedures required for compliance: Person(s) must file a form RUT-75, Aircraft/Watercraft Use Tax Return, and submit proof of tax payment or proof of exemption before watercraft registration will be issued by the Department of Natural Resources.
- C) Types of professional skills necessary for compliance: General Bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULES

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 153  
WATERCRAFT USE TAX

## Section

153.101	Definitions
153.105	Nature of the Watercraft Use Tax
153.110	Basis and Rate of the Tax
153.115	Nontaxable Transactions
153.120	Returns and Payment

AUTHORITY: Implementing the Watercraft Use Tax Law [35 ILCS 158]

SOURCE: Emergency rule adopted at 29 Ill. Reg. 715, effective December 16, 2004; adopted at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 153.101 Definitions**

As used in this Part, the terms listed below are defined as follows:

"Department" means the Department of Revenue.

"Immediate family member" means a spouse, mother, father, brother, sister, or child of the transferor.

*"Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller drive motor. (Section 1-2 of the Boat Registration and Safety Act [625 ILCS 45/1-2]) An example of a personal watercraft is a jet ski.*

*"Purchase price" means the reasonable consideration paid for a watercraft valued in money whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration*

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*ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. [35 ILCS 158/15-5]*

*"Watercraft" means Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2] and personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act [625 ILCS 45/1-2]. [35 ILCS 158/15-5] Section 3-2 of the Boat Registration and Safety Act defines these terms as follows:*

*"Class 2" watercraft means all watercraft 16 feet to 26 feet in length, except canoes and kayaks.*

*"Class 3" watercraft means all watercraft 26 feet to 40 feet in length.*

*"Class 4" watercraft means all watercraft 40 feet or more in length.*

**Section 153.105 Nature of the Watercraft Use Tax**

The Watercraft Use Tax is a privilege tax imposed on the privilege of using, in this State, watercraft acquired by gift, transfer, or non-retail purchase after September 1, 2004. The tax is imposed on the use of watercraft in this State regardless of whether the watercraft is actually registered under the Boat Registration and Safety Act. No trade-in credit will be allowed in a non-retail purchase transaction. Examples:

- a) An Illinois resident purchases an 18-foot boat from an individual (non-retailer) in Missouri on October 1, 2004 for \$5,000, and brings the boat into Illinois on October 5, 2004. The fair market value of the boat at the time of purchase is \$5,000. Watercraft Use Tax is due on the \$5,000 purchase price of the boat. However, if the Illinois resident had purchased the boat from a non-retailer in Missouri on August 5, 2004 and brought the boat into Illinois on October 5, 2004, the purchase would not be subject to the tax imposed by this Part.
- b) A Chicago resident is given a used 20-foot boat and a motor on September 2, 2004 by his neighbor. Watercraft Use Tax is due on the fair market value of the boat, including the motor.

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- c) A person living in Joliet, Illinois purchases a jet ski from his neighbor for \$3,000 on October 5, 2004. As part of the deal, he trades his \$2,000 pontoon boat for the jet ski and pays \$1,000 cash. The fair market value of the jet ski is \$3,000. The purchaser of the jet ski owes Watercraft Use Tax on the entire \$3,000 purchase price, and is not allowed to claim a trade-in credit. The purchaser of the pontoon boat also owes Watercraft Use Tax on the entire \$2,000 purchase price, and may not claim a trade-in credit.
- d) Three people each agree to purchase an undivided 1/3-share interest in a \$100,000 yacht from an individual (non-retailer) to be used in Illinois. At the time of the purchase, the fair market value of the yacht is \$100,000. Each individual shareholder incurs Watercraft Use Tax on his or her individual share. However, each shareholder is jointly and severally liable for the total taxes due on the entire \$100,000 purchase price of the yacht. See Section 153.110(c) of this Part.
- e) Corporation XYZ purchases a yacht for \$75,000 from an individual (non-retailer) for use in Illinois by giving consideration in the form of \$25,000 cash and \$50,000 in XYZ stock. The fair market value of the yacht is \$100,000. Watercraft Use Tax is incurred on the \$100,000 amount, unless the corporation can demonstrate that a different value is reasonable.

**Section 153.110 Basis and Rate of the Tax**

- a) **Non-Retail Sales of Watercraft**  
*The rate of tax is 6.25% of the purchase price for each watercraft that is subject to tax under the Law [35 ILCS 158/15-15].* However, the purchase price shall not be less than the fair market value of the watercraft on the date the watercraft is purchased or the date the watercraft is brought into the State, whichever is later, unless the purchaser can document that a different value is reasonable. In the case of transfers between immediate family members, purchase price ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. Examples:
- 1) An Illinois resident buys a 20-foot pontoon boat valued at \$20,000 from an individual (non-retailer) in Wisconsin for \$5,000 on September 5, 2004. On September 25, 2004, she brings the pontoon boat into Illinois for use at her lake home. Watercraft Use Tax is due on the fair market value of the watercraft (\$20,000) on September 25, 2004 when the

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watercraft entered the State, unless she can document that the \$5,000 she paid was reasonable.

- 2) A person living in Champaign, Illinois sells his \$10,000 fishing boat to his son for \$8,000. The taxable purchase price for this sale between immediate family members will ordinarily be the \$8,000 actually paid, unless the Department determines the primary motivation of the sale was the avoidance of tax.

b) Gifts and Other Transfers of Watercraft

For purposes of calculating the tax due when a watercraft is acquired by gift or transfer, the tax shall be imposed on the fair market value of the watercraft on the date the watercraft is acquired or the date the watercraft is brought into the State, whichever is later. In the case of gifts between immediate family members, no tax is due unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. Examples:

- 1) A woman living in Carbondale decides to give her 18-foot johnboat to her fiancé. Her fiancé incurs Watercraft Use Tax based on the fair market value of the johnboat.
- 2) Dad gives his jet ski to his daughter. No tax is due unless it appears that the primary motivation for the gift was the avoidance of tax.
- 3) A woman wants to purchase a 35-foot boat that she finds for sale in California. In order to avoid the Watercraft Use Tax, she convinces her sister, who lives in California, to purchase the boat for her for \$50,000. She claims that her sister "sold" the boat to her for \$500 so she can use the boat in Illinois. The primary motivation under this set of facts and circumstances would be viewed as the avoidance of tax, and Watercraft Use Tax would be owed on the fair market value (\$50,000) of the boat.
- 4) The XYZ partnership, owner of a 24-foot sailboat, is dissolved. All ownership of the sailboat is transferred to partner X following the dissolution. Partner X must pay Watercraft Use Tax on the fair market value of the sailboat.

c) Transfers of Fractional Shares of Watercraft

*When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any*

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*tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.* [35 ILCS 158/15-5] In the case of ownership shares sold between immediate family members, purchase price ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the selling of the shares was the avoidance of tax. In the case of a share of a watercraft acquired by gift between family members, no tax is due unless it appears from the facts and circumstances that the primary motivation of the share transfer was the avoidance of tax. Examples:

- 1) An Illinois resident owns a 1/10 undivided interest share in a \$10,000 houseboat. She sells her 1/10 share of the houseboat to her neighbor for \$1,000. Watercraft Use Tax is due on the purchase price of the 1/10 share (\$1,000). However, each of the remaining undivided owners is also responsible for the total amount of taxes due as a result of the sale of the 1/10 share on the \$1,000 purchase price.
- 2) A Springfield resident purchases a ½ share of a 20-foot sailboat with a fair market value of \$10,000. He files a return listing the value of his ½ share of the sailboat as \$1,000. The Department will use the \$10,000 fair market value of the sailboat to determine his ½ share interest (\$5,000), if he cannot demonstrate that the \$1,000 value is reasonable.

d) Credit for Taxes Paid

The Watercraft Use Tax does not apply to the use of watercraft *acquired outside this State and brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of the watercraft, to the extent of the amount of tax properly due and paid in the other state* [35 ILCS 105/3-55(d)]. (See 35 ILCS 158/15-10.) For purposes of this subsection, the term "state" is limited to a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. Examples:

- 1) A resident of Illinois who is on vacation in Nevada buys an 18-foot fishing boat from an individual in Nevada, and pays the proper amount of Nevada tax. She later moves her boat to Illinois. She can receive a credit for taxes properly due and paid in Nevada up to the amount of Watercraft Use Tax due on the boat in Illinois.
- 2) While vacationing in Europe, an Illinois resident buys a 35-foot sea cruiser with an extra motor from an individual in Europe and pays European taxes. Upon returning home to Illinois with his boat, he must pay

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Watercraft Use Tax on the purchase price of \$50,000, which is the fair market value of the boat, including the motor. He will not get a credit for taxes paid in another country.

- e) **Determinations of Reasonable Value**  
The purchase price shall not be less than the fair market value of the watercraft on the date the watercraft is purchased or the date the watercraft is brought into the State, whichever is later, unless the purchaser can document that a different value is reasonable. To determine if a purchase price, other than fair market value, is reasonable, the Department shall consider any information provided by the taxpayer, including but not limited to:
- 1) date and location of sale;
  - 2) condition of the watercraft and any motor sold in conjunction with the watercraft;
  - 3) type and make of watercraft;
  - 4) evidence of similar sales; and
  - 5) whether such watercraft was purchased as a result of an estate sale or auction open to the general public.
- f) **Determination of Purchase Price**  
*For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination:*
- 1) *the purchase price stated on the return;*
  - 2) *the watercraft identification number;*
  - 3) *the year, the make, and the model name or number of the watercraft;*
  - 4) *the purchase date; and*
  - 5) *the hours of operation.* [35 ILCS 158/15-30]

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**Section 153.115 Nontaxable Transactions**

The tax imposed by the Watercraft Use Tax Law does not apply if:

- a) *the use of the watercraft is otherwise taxed under the Use Tax Act;*
- b) *the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number that is active under Section 1g of the Retailers' Occupation Tax Act;*
- c) *the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse; or*
- d) *the watercraft is exempted from the numbering provisions of Section 3-12 of the Boat Registration and Safety Act [625 ILCS 45/3-12]. [35 ILCS 158/15-10]*  
However, Watercraft Use Tax will become due on any watercraft that is exempted from the numbering provisions of paragraphs A, B, C, F, and G of Section 3-12 of the Boat Registration and Safety Act if that watercraft is used upon the waters of this State over 30 accumulated days in any calendar year. The following are the watercraft referred to in paragraphs A, B, C, F, and G of Section 3-12 of the Boat Registration and Safety Act to which the 30-day rule applies:
  - 1) A watercraft that has a valid marine document issued by the United States Coast Guard.
  - 2) A watercraft already covered by a number in full force and effect that has been awarded to it pursuant to Federal law or a Federally approved numbering system of another State.
  - 3) A watercraft from a country other than the United States temporarily using the waters of this State.
  - 4) A watercraft that belongs to a class of boats that has been exempted from numbering by the Department of Natural Resources after that agency has found that an agency of the Federal Government has a numbering system applicable to the class of watercraft to which the watercraft in question belongs and would be exempt from numbering if it were subject to the Federal law.

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- 5) A watercraft that is competing in any race approved by the Department of Natural Resources under the provisions of Section 5-15 of the Boat Registration and Safety Act or a watercraft that is designed and intended solely for racing while engaged in navigation that is incidental to preparation of the watercraft for the race. Preparation of the watercraft for the race may be accomplished only after obtaining the written authorization of the Department of Natural Resources.

## Example:

A watercraft that has a valid marine document issued by the United States Coast Guard and is used upon the waters of this State for 35 days in a calendar year is subject to Watercraft Use Tax. The tax applies even though the watercraft is not required to be registered under the Boat Registration and Safety Act until it has been used upon the waters of this State for more than 60 days in a calendar year. See subsection (d).

- e) Other common exemptions:
- 1) A tugboat qualifying for the rolling stock exemption is purchased for use upon the waters in Illinois. No Watercraft Use Tax would be incurred on the purchase.
  - 2) A person purchases a 17-foot johnboat from an individual (non-retailer) to be used primarily in the raising of catfish for retail sale on a commercial catfish farm in Illinois. No Watercraft Use Tax is due on the purchase, because the johnboat is used primarily in production agriculture.

**Section 153.120 Returns and Payment**

- a) *The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:*

**VERIFICATION**

*I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty*

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*for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment. [35 ILCS 158/15-20(a)]*

- b) *The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 15-10 of the Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer. [35 ILCS 158/15-20(b)]*
- c) *Any person required to file a return under the Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor. [35 ILCS 158/15-25]*

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1010.240	Amendment
1010.245	New Section
1010.540	Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Section 1010.240 address changes to the provisions related to registration plates furnished by the Secretary of State under the Electronic Registration and Titling (ERT) Program which is explained in the new Section 1010.245. The amendments to Section 1010.540 address the fee structure for the ERT program and how it differs from the Over-the-Counter Program which is already detailed within the same section.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the proposed amendments are posted on Secretary of State's web site, [www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Secretary of State  
Nathan Maddox, Assistant General Counsel  
298 Howlett Building  
Springfield, IL 62701  
217-785-3094

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- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized:  
This rulemaking was not included on either of the two most recent regulatory agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section
- 1010.10 Owner – Application of Term
- 1010.20 Secretary and Department

SUBPART B: TITLES

- Section
- 1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
- 1010.120 Salvage Certificate – Assignments and Reassignments
- 1010.130 Exclusiveness of Lien on Certificate of Title
- 1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
- 1010.150 Transferring Certificates of Title Upon the Owner's Death
- 1010.160 Repossession of Vehicles by Lienholders and Creditors
- 1010.170 Junking Notification
- 1010.180 Specially Constructed Vehicles – Defined
- 1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
- 1010.190 Issuance of Title and Registration Without Standard Ownership  
Documents~~Document~~ – Bond

SUBPART C: REGISTRATION

- Section
- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished By The Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

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## SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

## Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

## Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Five Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces ~~License~~~~Lienses~~ Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios
- 1010.457 Korean War Veteran License Plates
- 1010.458 Collegiate License Plates
- 1010.460 Special Plates for Members of the United States Armed Forces Reserves
- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

## Section

- 1010.510 Determination of Registration Fees

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- 1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 ~~Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers~~

## SUBPART G: MISCELLANEOUS

## Section

- 1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

## Section

- 1010.705 Reciprocity  
1010.710 Vehicle Proration  
1010.715 Proration Fees  
1010.720 Vehicle Apportionment  
1010.725 Trip Leasing  
1010.730 Intrastate Movements, Foreign Vehicles  
1010.735 Interline Movements  
1010.740 Trip and Short-term Permits  
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)  
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)  
1010.755 Mileage Tax Plates  
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
1010.760 Transfer for "For-Hire" Loads  
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles  
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements  
1010.775 Certificate of Safety

- 1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement  
1010.APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99,

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effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: REGISTRATION

**Section 1010.240 Registration Plates To Be Furnished By The Secretary of State**

- a) General Provisions
  - 1) The Secretary of State may issue registration plates and/or stickers at facilities and offices maintained by him in Springfield, Chicago, or at such other locations as he may establish.
  - 2) In addition, the Secretary of State may, in his discretion, cause registration plates and/or stickers to be issued by financial institutions, and applications for renewal of registrations for such vehicles as the Secretary of State may designate to be received and processed for transmittal to the Secretary of State. For that purpose, the Secretary of State may deposit Illinois registration plates and/or stickers with such financial institutions.

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In addition, the Secretary may cause registration plates and stickers to be issued pursuant to Section 1010.245 of this Part.

- 3) The Secretary may further cause registration and title applications to be serviced and remitted by licensed remittance agents to the Secretary of State, as provided in the Code.
- 4) The term "financial institution", for the purposes of this rule, shall mean any federal or state chartered bank, savings and loan, credit union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier.

5) The Secretary may, in his discretion, cause registration plates and stickers to be issued by motor vehicle dealers. However, motor vehicle dealers shall only issue registration plates and stickers or renew vehicle registrations in the course of transactions involving the sale or lease of vehicles.

b) Application for Participation in the Over-The-Counter Sales Program

- 1) The Secretary of State shall accept the application of any Financial Institution to participate in the over-the-counter program, if the Secretary of State makes a determination that the establishment of the institution in the program will provide a beneficial service to the general public, be cost effective for the Secretary of State to administer for the People of the State of Illinois, and that the institution can provide sufficient security for both the handling of state fees and taxes collected and the handling and storage of registration plates and/or stickers.
- 2) In making the above determination, the Secretary of State shall consider, but not in limitation thereof, the following factors in relation to the institution:
  - A) Tentative acceptance of the terms contained in the Financial Institution License Plate/Sticker Agreement between the Secretary of State's Office and the institution;
  - B) Previous participation by the institution in the program and, if any, the circumstances surrounding its leaving the program;
  - C) Current participation by the institution in the over-the-counter sales

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program at another location(s);

- D) Submission of by the institution of a current copy of its blanket or fidelity bond, or if no such bond is maintained and the institution is a self-insurer, then a certificate of deposit payable to the Secretary of State, or an irrevocable letter of credit from a third party bank to the Secretary of State in an amount sufficient to protect the Secretary of State in the same manner as he would be protected if the blanket or fidelity bond were in force;
- E) Total passenger registration for the county;
- F) Total number of over-the-counter passenger sales in the community and county in the previous registration year;
- G) Estimated annual registration plate and sticker sales for this location;
- H) Estimated volume of walk-in traffic at this location;
- I) Population of the community;
- J) Population of the county;
- K) Number of banks in the community currently participating in the program in relation to the total number of banks in the community;
- L) Number of savings and loans in the community currently participating in the program in relation to the total number of savings and loans in the community;
- M) Number of currency exchanges in the community currently participating in the program in relation to the total number of currency exchanges in the community;
- N) Number of credit unions in the community currently participating in the program in relation to the total number of credit unions in the community;
- O) Location(s) of other institution(s) in the community currently in the program;

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- P) Total number of institutions in the community currently in the program;
  - Q) Financial stability;
  - R) Total full time and part time employees at proposed selling location;
  - S) Selling location if different from main location;
  - T) Selling area within the institution;
  - U) Business days and hours the institution is open to the public.
- 3) Miscellaneous Provisions
- A) Over-the-counter program, for purposes of this rule, shall mean the program wherein the Secretary of State, by contractual agreement, authorizes a financial institution to sell license plates and/or renewal stickers to the general public, at a particular location.
  - B) The acceptance of any application shall, in addition to the requirements in ~~subsection paragraph~~ (b)(1)-above, be dependent upon the applicant agreeing to all of the terms of and signing the Financial Institution License Plate/Sticker Agreement, and the institution's being in good standing and licensed by the Department of Financial Institutions or any other licensing agency, whether State or Federal which regulates the institution.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions**

- a) The Secretary may, in his discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, and issuing registration plates and stickers by motor vehicle dealers, financial institutions, and other processing agents.

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- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions, and other processing agents (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier.
- c) The ERT service provider shall be responsible for the following:
- 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration and lien information, in compliance with all specifications of the Secretary of State's office;
  - 2) transmitting all fees associated with the title and registration transactions to the Secretary of State, and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
  - 3) maintaining an inventory of registration plates and stickers and distributing those plates and stickers to vendors as necessary;
  - 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers;
  - 5) providing real-time access to the inventory control system by Secretary of State staff, auditors and Secretary of State Police for review, auditing, and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued;
  - 6) retaining records of all ERT transactions as directed by the Secretary;
  - 7) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000;

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- 8) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX; and
- 9) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program. All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program. The Secretary shall have the right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on the vendor's prior compliance with or violations of applicable statutes, rules and regulations; the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of that program; violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program; the benefit to the public to be derived by the vendor's participation in the program; and the resources of the Secretary of State's office to support the vendor's participation in the program.
- e) No vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: FEES

**Section 1010.540 ~~Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers~~**

- a) Over-the-Counter Sales Program  
The maximum fee and service charge to be imposed upon an applicant for motor vehicle renewal license plates and/or stickers by any motor vehicle dealer or financial institution shall be ~~\$5.50~~\$4.75. The actual fee allowed shall be set out in the agreement between the Secretary of State and the financial institution and/or the agreement between financial institutions. No additional charge shall be imposed upon the applicant by any such person, firm, corporation or private institution, or its authorized agent for distribution of motor vehicle renewal license plates and/or stickers. The term Financial Institution, for the purposes of this rule, shall mean any federal or state chartered bank, savings and loan, credit

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union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier.

- b) Electronic Registration and Titling  
Vendors participating in the Electronic Registration and Titling (ERT) program may charge customers a fee for the optional service of electronically processing their vehicle titling and registration or data and for providing registration plates or stickers. The maximum fee to be imposed upon a customer utilizing the ERT services shall be \$25, in addition to any other fee permitted by law or rule. However, if the ERT services are used solely for renewing vehicle registrations, the maximum fee imposed shall be that set forth in subsection (a) of this Section. The actual ERT fee allowed to be charged by vendors shall be set out in the agreement between the Secretary of State and the ERT service provider and in the agreements between the ERT service provider and the vendors. If an ERT fee is charged, the fee shall be identified on the bill of sale, invoice, receipt or any other sales documents as "Optional Electronic Registration Fee". The identification of this fee shall be in at least a 14-point type using the Times New Roman font, or an equivalent size type in any other font.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.310                      Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16].
- 5) Effective date of the amendment: January 14, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment is on file in the Teachers' Retirement System's principal office, including any incorporations by reference, and are available for public inspection.
- 9) Notice of Proposal published in Illinois Register: August 6, 2004, 28 Ill. Reg. 11082
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various punctuation changes recommended by JCAR were made in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This amendment to TRS Rule 1650.310 establishes the procedure for determining "date of first full-time employment" for the purpose of assessing interest charges on private school optional service purchases when employment records are incomplete or unavailable.
- 16) Information and questions regarding these adopted rules shall be directed to:

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Thomas S. Gray, General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253  
217/753-0375

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

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
THE STATE OF ILLINOISPART 1650  
THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

Section  
1650.201 Disability Benefits – Application Procedure  
1650.202 Disability and Occupational Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy  
1650.208 Disability Payments  
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## Rates

1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section

1650.310	Effective Date of Membership
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)
1650.380	Definition of Actuarial Equivalent
1650.390	Independent Contractors
1650.391	Optional 2.2 Upgrade of Earned and Credited Service
1650.392	2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

1650.410	Return of Contributions for Duplicate or Excess Service
1650.415	Return of Optional Increase in Retirement Annuity Contributions
1650.416	Optional Increase in Retirement Annuity – 1% Contribution Reduction
1650.420	Interest on Deficiencies (Repealed)
1650.430	Installment Payments (Repealed)
1650.440	Small Deficiencies, Credits or Death Benefit Payments
1650.450	Definition of Salary
1650.451	Reporting of Conditional Payments
1650.460	Calculation of Average Salary
1650.470	Rollover Distributions
1650.480	Rollovers to the System

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

## Section

1650.505	Beneficiary (Repealed)
1650.510	Re-entry Into Service
1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

## SUBPART G: ATTORNEY GENERALS' OPINION

## Section

1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)
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## SUBPART H: ADMINISTRATIVE REVIEW

## Section

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

## SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

## SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section	
1650.910	Summary and Purpose
1650.920	Definitions
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests
1650.950	Appeal of a Denial
1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

Section	
1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Curing Minor Deficiencies
- 1650.1113 Required Form
- 1650.1114 Filing a QILDRO with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO

## SUBPART N: PAYROLL DEDUCTION PROGRAM

## Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART O: RETIRMENT BENEFITS

## Section

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## 1650.2900 Excess Benefit Arrangement

**AUTHORITY:** Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005.

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

**Section 1650.310 Effective Date of Membership**

- a) The effective date of membership in the System shall be the date of employment by an employer, as recorded by the employer.
- b) In the absence of a record of the date of employment in the official proceedings of

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

the qualifying employer, the date of membership shall be the first payroll day for which contributions were required.

- c) For purposes of calculating the required contributions to purchase military service not immediately following employment under the provisions of 40 ILCS 5/16-128(a)(iii), and/or to purchase private school teaching under the provisions of 40 ILCS 5/16-128(d-5) in the absence of official records documenting the date of first full-time employment as a teacher, the date of first membership shall be defined as July 1 of the first year of System contributing service.

(Source: Amended at 29 Ill. Reg. 1546, effective January 14, 2005)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Application of Functional Separation Rules
- 2) Code Citation: 83 Ill. Adm. Code 552
- 3) Section Numbers:      Emergency Action:  
552.10                      New Section  
552.20                      New Section
- 4) Statutory Authority: Implementing and authorized by Section 7-210 of the Public Utilities Act [220 ILCS 5/7-210].
- 5) Effective Date of Rules: January 14, 2005
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date Filed with the Index Department: January 13, 2005
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Reason for Emergency: Section 7-210(i) of the Public Utilities Act was added by P.A. 93-1052, becoming effective on January 1, 2005. It requires the Commission to use emergency rules to determine the extent to which the subject gas utilities shall comply with the functional separations rules for electric utilities adopted pursuant to Section 16-119A of the Public Utilities Act within 60 days after the passage of the Act.
- 10) A Complete Description of the Subjects and Issues Involved:  
  
Section 7-210(i) of the Public Utilities Act was added by P.A. 93-1052, becoming effective on January 1, 2005. This rulemaking determines the extent to which the subject gas utilities shall comply with the functional separations rules for electric utilities adopted pursuant to Section 16-119A of the Public Utilities Act. These rules will be applicable to any gas utility that served more than 60,000 gas customers but less than 75,000 gas customers in this State on January 1, 2000 and that provides competitive electric power and energy to electric delivery service customers through a business division of its electric utility pursuant to Section 16-116 of the Public Utilities Act.
- 11) Are there any proposed amendments to this Part pending? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
Phone: (217) 785-3922  
Fax: (217)524-9280

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIESPART 552  
APPLICATION OF FUNCTIONAL SEPARATION RULES

## Section

552.10      Applicability

## EMERGENCY

552.20      Compliance with 83 Ill. Adm. Code 452

## EMERGENCY

AUTHORITY: Implementing and authorized by Section 7-210 of the Public Utilities Act [220 ILCS 5/7-210].

SOURCE: Emergency rule adopted at 29 Ill. Reg. 1555, effective January 14, 2005, for a maximum of 150 days.

**Section 552.10 Applicability**  
**EMERGENCY**

*This Part shall apply to any gas utility that served more than 60,000 gas customers but less than 75,000 gas customers in this State on January 1, 2000 and that provides competitive electric power and energy to electric delivery service customers through a business division of its electric utility pursuant to Section 16-116 of the Public Utilities Act [220 ILCS 5/16-116]. [220 ILCS 5/7-210(i)]*

**Section 552.20 Compliance with 83 Ill. Adm. Code 452**  
**EMERGENCY**

- a) Any gas utility subject to this Part shall comply with the functional separation rules adopted by the Illinois Commerce Commission (Commission) for the regulation of electric utilities at 83 Ill. Adm. Code 452: Subpart A, subject to the exceptions listed in this Section.
- b) 83 Ill. Adm. Code 452.10 and 452.170 shall not apply to any gas utility under this Part.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

- c) References in 83 Ill. Adm. Code 452.135 to 83 Ill. Adm. Code 415 and 416 shall be read as references to 83 Ill. Adm. Code 505 and 506, respectively.
- d) References within 83 Ill. Adm. Code 452: Subpart A referring to the regulation of electric utilities shall be read as referring to the regulation of gas utilities to which this Part applies, unless the context clearly indicates otherwise.
- e) Compliance with 83 Ill. Adm. Code 452: Subpart A, for any gas utility subject to this Part, shall take into account the effects on the cost and reliability of service and the obligation of the gas utility under the Act.
- f) By February 14, 2005, a gas utility subject to this Part shall file a written plan by which it will implement, and affirm its commitment to comply with, the provisions of this Part.
- g) Within 45 days after a gas utility files an implementation plan with the Commission, pursuant to subsection (f), the Commission shall approve, reject, or initiate a hearing to investigate the implementation plan. If the Commission takes no action within 45 days, the implementation plan shall be deemed approved. If the Commission initiates a hearing to investigate the implementation plan, intervention in accordance with 83 Ill. Adm. Code 200 shall be permitted. After the hearing, the Commission shall approve the implementation plan as filed or as modified by the Commission, or reject the implementation plan. In any order issued pursuant to this subsection, the Commission shall set forth its reasons for approving or rejecting an implementation plan.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A, Table W      Peremptory Action: Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan 80 Ill. Adm. Code 310.Appendix A, Table W to reflect the Memorandum of Understanding between the Department of Central Management Services and the American Federation of State, County and Municipal Employees (AFSCME). The Memorandum of Understanding on the Insurance Performance Examiner III title was signed December 13, 2004. Effective May 24, 2004, AFSCME RC-062 represents the Insurance Performance Examiner III title (formerly MC-07 only) with a salary grade of 20.

The Department is also amending the above table to reflect the actions approved by the Civil Service Commission on December 16, 2004. The approval allows the Memorandum of Understanding between Department of Central Management Services and the American Federation of State, County and Municipal Employees (AFSCME), signed November 23, 2004, to take effect. The Memorandum of Understanding establishes the titles of Telecommunications Specialist (title code 45295) in salary grade RC-062-15, Information Technology/Communications Systems Specialist I (title code 21216) in salary grade RC-062-19, and Information Technology/Communications Systems Specialist II (title code 21217) in salary grade RC-062-24.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: January 11, 2005
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table W is amended to reflect the title now represented by AFSCME, and the established titles. The title now represented is the Insurance Performance Examiner III with a RC-062 salary grade of 20 and with the title code 21673. The established titles are Telecommunications Specialist (title code 45295) in salary grade RC-062-15, Information Technology/Communications Systems Specialist I (title code 21216) in salary grade RC-062-19, and Information Technology/Communications Systems Specialist II (title code 21217) in salary grade RC-062-24.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

While the Civil Service Commission on December 16, 2004, also approved the abolishment of the titles of Network Control Center Technician Trainee (title code 28879), Network Control Center Technician I (title code 28875), Network Control Center Technician II (title code 28876), and Network Control Center Specialist (title code 28873), these abolishment changes will be made to the Pay Plan through Proposed Amendments, as they are not the subjects of the Memorandum of Understanding.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: January 14, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.80	Amend	28 Ill. Reg. 15937, 12/17/04
310.230	Amend	28 Ill. Reg. 15937, 12/17/04
310.410	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table G	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table H	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table I	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table J	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table N	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table O	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table P	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table R	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table W	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table X	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Y	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table Z	Amend	28 Ill. Reg. 15937, 12/17/04
310.Appendix A, Table AA	Amend	28 Ill. Reg. 15937, 12/17/04

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix B	Amend	28 Ill. Reg. 15937, 12/17/04

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Ms. Dawn DeFraties  
Deputy Director  
Department of Central Management Services  
503 William G. Stratton Building  
Springfield IL 62706  
217/524-8773  
Fax: 217/558-4497

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2005
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
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310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
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310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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

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

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005.

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**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Behavioral Analyst Associate	RC-062-15	04355
Business Administrative Specialist	RC-062-16	05810
Buyer	RC-062-18	05900

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Carnival and Amusement Safety Inspector	RC-062-16	06550
Carnival and Amusement Safety Inspector Trainee	RC-062-10	06555
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protective Associate Investigator	RC-062-15	07187
Child Protective Investigator	RC-062-17	07188
Child Protective Lead Investigator	RC-062-18	07189
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Child Welfare Specialist	RC-062-15	07211
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842

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Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-15	12537
Disability Claims Adjudicator II	RC-062-17	12538
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-18	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821

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Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institution Examiner I	RC-062-16	14971
Financial Institution Examiner II	RC-062-19	14972
Financial Institution Examiner III	RC-062-22	14973
Financial Institution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health and Safety Officer I	RC-062-14	18001
Health and Safety Officer II	RC-062-16	18002
Health and Safety Officer Trainee	RC-062-10	18006
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-23	18187
Health Services Investigator II – Opt. D	RC-062-23	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Services Caseworker	RC-062-16	19785
Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121

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Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
<a href="#">Information Technology/Communications Systems Specialist I</a>	<a href="#">RC-062-19</a>	<a href="#">21216</a>
<a href="#">Information Technology/Communications Systems Specialist II</a>	<a href="#">RC-062-24</a>	<a href="#">21217</a>
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner 2	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner	RC-062-14	21671
<a href="#">Insurance Performance Examiner III</a>	<a href="#">RC-062-20</a>	<a href="#">21673</a>
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Natural Resources Advanced Specialist	RC-062-20	28833
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631
Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I	RC-062-16	38371
Revenue Auditor II	RC-062-19	38372
Revenue Auditor III	RC-062-22	38373
Revenue Auditor Trainee	RC-062-12	38375

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## NOTICE OF PEREMPTORY AMENDMENT

Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Substance Abuse Specialist I	RC-062-17	43251
Substance Abuse Specialist II	RC-062-19	43252
Substance Abuse Specialist III	RC-062-22	43253
<a href="#">Telecommunications Specialist</a>	<a href="#">RC-062-15</a>	<a href="#">45295</a>
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002

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Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent I	RC-062-15	47091
Unemployment Insurance Special Agent II	RC-062-17	47092
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

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## S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-062-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

RC-062-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12Ha	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12Hm	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14Ha	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14Hm	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15a	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15m	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17a	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17m	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18a	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-062-18m	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19a	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19m	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

RC-062-20a	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20m	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22a	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22m	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23a	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23m	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24a	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24m	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25a	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25m	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

Effective January 1, 2005

RC-062

## S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09a	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09m	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10a	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10m	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11a	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11m	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12a	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12m	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12Ha	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12Hm	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13a	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13m	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14a	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14m	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20
14Ha	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07
14Hm	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15a	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15m	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16a	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16m	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17a	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17m	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18a	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18m	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19a	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

19m	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20a	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20m	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21a	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21m	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22a	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22m	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23a	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23m	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559
24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24a	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24m	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25a	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25m	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 1559, effective January 11, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: Injurious Species

Code Citation: 17 Ill. Adm. Code 805

Section Numbers: 805.20 805.30

Date Originally Published in the Illinois Register: 9/10/04  
28 Ill. Reg. 12554

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that DNR make the provision of its rulemaking titled Injurious Species (17 Ill. Adm. Code 805; 28 Ill. Reg. 12554) banning transportation and possession of bighead and silver carp effective May 1, 2005 to give bighead carp producers adequate time to legally market this year's crop that is being raised for the Chicago live fish market. Nothing in this Recommendation should be interpreted as forbidding DNR from banning immediately the release of bighead and silver carp into the waters of Illinois.

JCAR further recommends that, while not an issue in this rulemaking, the Department take note of the IAPA's requirement [5 ILCS 100/5-40(b)(3.5)] that an agency's 1<sup>st</sup> Notice published in the *Illinois Register* include specific information concerning any published study or research report used in developing the rulemaking and, if the agency performed or contracted for the study, copies of the relevant underlying data must also be made available to the public. DNR response to public comment on this rulemaking suggests the agency may not understand the intent of Section 5-40(b)(3.5).

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

STATE UNIVERSITIES RETIREMENT SYSTEM

Heading of the Part: Universities Retirement

Code Citation: 80 Ill. Adm. Code 1600

Section Numbers: 1600.12(g)

Date Originally Published in the Illinois Register: 3/5/04  
28 Ill. Reg. 4161

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the State University Retirement System seek specific statutory authority for the Section 1600.12(g) provision allowing near term retirees to employ a calendar year final rate of earnings computation. These employees are currently required to use an academic year computation method by Section 15-212 of the Personnel Code.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

STATE BOARD OF ELECTIONS

Heading of the Part: Administrative Complaint Procedures for Violations of Title III of HAVA

Code Citation: 26 Ill. Adm. Code 150

<u>Section Numbers:</u>	150.5	150.10	150.15	150.20	
		150.25	150.30	150.35	150.40
		150.45	150.50	150.55	150.60
		150.65	150.70	150.75	150.80
		150.85	150.90	150.95	150.100
		150.105	150.110	150.115	150.120
		150.125	150.130	150.135	150.140
		150.145			

Date Originally Published in the Illinois Register: 12/10/04  
28 Ill. Reg. 15840

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Board of Elections, prior to submitting Second Notice to JCAR for the rulemaking titled Administrative Complaint Procedures for Violations of Title III of HAVA (26 Ill. Adm. Code 150; 28 Ill. Reg. 15716), review and address the Joint Committee's concerns about its proposed rules, especially the provision that places all costs for dispute resolution services on the complainants.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF PUBLIC AID

- 1) Heading of Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: 120.530 Action: New Section
- 4) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 3685 - 2/27/04
- 5) Date JCAR issued Statement of Recommendation: 9/14/04
- 6) Summary of Action taken by the Agency: DPA refused to seek a statutory amendment to clearly authorize the Statewide average rate approach at the 125% level for community based services for medically fragile/technology dependent disabled children. DPA maintains that a statutory amendment is unnecessary as federal regulations allow states to use individual rate caps for purposes of cost determination under the federal waiver authorizing the services if the waiver is cost neutral in the aggregate.
- 7) JCAR Action: JCAR voted to have published a Notice of Failure to Remedy because DPA did not address the fact that Illinois statute applies an individual rate cap of no more than the cost of institutional care.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYOBJECTION AND FILING PROHIBITION

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Manufactured Home Community Code

Code Citation: 77 Ill. Adm. Code 860

Section Numbers: 860.20            860.200            860.210  
   860.250            860.260            860.270  
   860.280            860.Appendix B       860.Table B

Date Originally Published in the Illinois Register: 1/30/04  
28 Ill. Reg. 1652

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the objection and prohibition is as follows:

Considerable uncertainty appears to exist regarding the viability of some of the standards that are part of this package of 5 rulemakings (77 Ill. Adm. Code 860, 870, 870 (repeal), 880 and 885 (repeal)). While the agency has responded to some of the points raised by commentators, not all affected parties have had knowledge of, and an opportunity to discuss with the Department, all the changes the Department is offering to make. The Department has indicated that it is willing to consider further modifications in its proposals to make them as clear and technically feasible as possible. JCAR has determined that the public interest will not be served by adoption of this package of rulemakings until the remaining issues have been resolved. However, the 1 year time period the IAPA prescribes for completion of a rulemaking process terminates 1/29/05 for 4 of the 5 rulemakings in this package and 2/12/05 for the fifth. To afford the Department and the affected parties more time to resolve the remaining issues with this package of rulemakings, JCAR has objected to the rulemakings and prohibited their filing in the current form. This will stop the tolling of the 1 year rulemaking process. The Committee has additionally requested that the Department appear at the February JCAR meeting to report on any progress that has been made on the unresolved issues.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the filing prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYOBJECTION AND FILING PROHIBITION

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Manufactured Home Tiedown Act

Code Citation: 77 Ill. Adm. Code 870

Section Numbers: 870.10            870.20            870.30  
   870.40            870.50            870.60  
   870.70            870.Table A

Date Originally Published in the Illinois Register: 1/30/04  
28 Ill. Reg. 1674

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the objection and prohibition is as follows:

Considerable uncertainty appears to exist regarding the viability of some of the standards that are part of this package of 5 rulemakings (77 Ill. Adm. Code 860, 870, 870 (repeal), 880 and 885 (repeal)). While the agency has responded to some of the points raised by commentators, not all affected parties have had knowledge of, and an opportunity to discuss with the Department, all the changes the Department is offering to make. The Department has indicated that it is willing to consider further modifications in its proposals to make them as clear and technically feasible as possible. JCAR has determined that the public interest will not be served by adoption of this package of rulemakings until the remaining issues have been resolved. However, the 1 year time period the IAPA prescribes for completion of a rulemaking process terminates 1/29/05 for 4 of the 5 rulemakings in this package and 2/12/05 for the fifth. To afford the Department and the affected parties more time to resolve the remaining issues with this package of rulemakings, JCAR has objected to the rulemakings and prohibited their filing in the current form. This will stop the tolling of the 1 year rulemaking process. The Committee has additionally requested that the Department appear at the February JCAR meeting to report on any progress that has been made on the unresolved issues.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the filing prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Manufactured Home Installation Code

Code Citation: 77 Ill. Adm. Code 870

<u>Section Numbers:</u>	870.10	870.20	870.30	870.40	
		870.50	870.55	870.60	870.65
		870.70	870.75	870.80	870.90
		870.100	870.110	870.120	870.130
		870.140	870.150	870.160	870.170
		870.180	870.190	870.200	870.210
		870.220	870.230	870.240	870.Table A
		870.Table B	870.Table C	870.Table D	870.Table E
		870.Table F	870.Table G	870.Table H	

Date Originally Published in the Illinois Register: 2/13/04  
28 Ill. Reg. 2613

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the objection and prohibition is as follows:

Considerable uncertainty appears to exist regarding the viability of some of the standards that are part of this package of 5 rulemakings (77 Ill. Adm. Code 860, 870, 870 (repeal), 880 and 885 (repeal)). While the agency has responded to some of the points raised by commentators, not all affected parties have had knowledge of, and an opportunity to discuss with the Department, all the changes the Department is offering to make. The Department has indicated that it is willing to consider further modifications in its proposals to make them as clear and technically feasible as possible. JCAR has determined that the public interest will not be served by adoption of this package of rulemakings until the remaining issues have been resolved. However, the 1 year time period the IAPA prescribes for completion of a rulemaking process terminates 1/29/05 for 4 of the 5 rulemakings in this package and 2/12/05 for the fifth. To afford the Department and the affected parties more time to resolve the remaining issues with this package of rulemakings, JCAR has objected to the rulemakings and prohibited their filing in the current form. This will stop the tolling of the 1 year rulemaking process. The Committee has additionally requested that

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

DEPARTMENT OF PUBLIC HEALTH

the Department appear at the February JCAR meeting to report on any progress that has been made on the unresolved issues.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the filing prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Modular Dwellings and Mobile Structures Code

Code Citation: 77 Ill. Adm. Code 880

<u>Section Numbers:</u>	880.5	880.10	880.15	880.20	
		880.30	880.40	880.50	880.60
		880.65	880.70	880.Appendix A	

Date Originally Published in the Illinois Register: 1/30/04  
28 Ill. Reg. 1684

At its meeting on January 11, 2005, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the objection and prohibition is as follows:

Considerable uncertainty appears to exist regarding the viability of some of the standards that are part of this package of 5 rulemakings (77 Ill. Adm. Code 860, 870, 870 (repeal), 880 and 885 (repeal)). While the agency has responded to some of the points raised by commentators, not all affected parties have had knowledge of, and an opportunity to discuss with the Department, all the changes the Department is offering to make. The Department has indicated that it is willing to consider further modifications in its proposals to make them as clear and technically feasible as possible. JCAR has determined that the public interest will not be served by adoption of this package of rulemakings until the remaining issues have been resolved. However, the 1 year time period the IAPA prescribes for completion of a rulemaking process terminates 1/29/05 for 4 of the 5 rulemakings in this package and 2/12/05 for the fifth. To afford the Department and the affected parties more time to resolve the remaining issues with this package of rulemakings, JCAR has objected to the rulemakings and prohibited their filing in the current form. This will stop the tolling of the 1 year rulemaking process. The Committee has additionally requested that the Department appear at the February JCAR meeting to report on any progress that has been made on the unresolved issues.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the filing prohibition remains in effect.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 11, 2005 through January 17, 2005 and have been scheduled for review by the Committee at its February 17, 2005 meeting in Springfield. 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>
2/24/05	<u>Department of Labor</u> , Prevailing Wage Hearing Procedures (56 Ill. Adm. Code 100)	10/29/04 28 Ill. Reg. 13952	2/17/05
2/27/05	<u>Department of Natural Resources</u> , Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)	11/19/04 28 Ill. Reg. 14926	2/17/05

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

- a) Parts (Headings and Code Citations): Organization, Public Information, and Types of Proceedings (2 Ill. Adm. Code 2175)
- 1) Rulemaking:
- A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.
- B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].
- C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

- b) Parts (Headings and Code Citations):  
General Rules (35 Ill. Adm. Code 101)  
Regulatory and Informational Informational Hearings and Proceedings (35 Ill. Adm. Code 102)  
Enforcement (35 Ill. Adm. Code 103)  
Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)  
Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)  
Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)  
Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)  
Administrative Citations (35 Ill. Adm. Code 108)  
Tax Certifications (35 Ill. Adm. Code 125)  
Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 Ill. Adm. Code 130)

- 1) Rulemaking: R04-08

- A) Description: The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through

## POLLUTION CONTROL BOARD

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the Board's new "Clerk's Office On-Line" (COOL). The Board's new filing procedure will allow for electronic filings and payment of filing fees.

- B) Statutory authority: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].
- C) Scheduled meeting/hearing dates: The Board has held two hearings in this rulemaking.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217-782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of Parts 101 through 130.
- c) Parts (Headings and Code Citations):  
Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)  
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
- 1) Rulemaking: R04-20
- A) Description: The Illinois Environmental Protection Agency filed a proposal with the Board that involves modifying and clarifying the Illinois ozone rules pertaining to: (1) lithographic printing; (2) perchlorethylene dry cleaners; (3) capture efficiency testing; (4) coating operations; (5) the general provisions involving “carbon adsorbers”; and (6) motor vehicle refinishing. Additionally, Appendix B of Parts 218 and 219 will be deleted. Further, the rulemaking will amend Part 211 as necessary to reflect the changes made to 35 Ill. Adm. Code Parts 218 and 219.
- B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].
- C) Scheduled meeting/hearing dates: Hearings were held on March 18 and May 6, 2004. The Board held hearings under Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.

## POLLUTION CONTROL BOARD

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- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean up of existing requirements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217-782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Board docket R05-16 (see (d) below) could affect the text of Part 211. Additionally, the IEPA may file amendments to the portable fuel container regulations in Parts 218 and 219 (see item (f) below).
- d) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)
- 1) Rulemaking: Docket number R05-16
- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R05-16 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2004 through December 31, 2004. At this time, the Board is aware that USEPA amended the federal definition of VOM twice, on the same day, during this time period:

November 29, 2004 (69 Fed. Reg. 69290)

USEPA added four compounds to the list of those excluded from the definition of volatile organic compound: 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (HFE-7000); 3-ethoxy-1,1,2,3,4,4,5,5,6,6,6-docecafluoro-2-(tri-fluouromethyl)hexane (HFE-7500, HFE-s702, T-7145, or L-15381); 1,1,1,2,2,3,3-heptafluoropropane (HFC-227ea); and methyl formate.

November 29, 2004 (69 Fed. Reg. 69298)

USEPA added one more compound to the list of those excluded from the definition of volatile organic compound: tert-butyl acetate (TBAC). TBAC is used as a gasoline additive and solvent. Although USEPA has exempted the compound from the definition of VOM for the purposes of emissions controls, USEPA will continue to consider TBAC to be VOC for the purposes of recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements.

The Board will verify the existence of any additional federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

substance procedure or dismiss docket R05-16, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. The earliest date on which USEPA adopted an amendment that will require Board action was November 29, 2004. Thus, the due date for Board adoption of the amendments will be November 29, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. Since the due date for Board adoption of amendments in this docket is November 29, 2005, the Board must vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early September 2005. This will be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-16, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-16, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Parts (Headings and Code Citations):  
Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)  
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

- A) Description: The IEPA is currently developing amendments for proposal to the Board of Part 218 and Part 219 concerning motor vehicle refinishing. This involves amending the equipment requirements of the Parts to allow the use of paint applicator equipment that achieves the same or better transfer efficiency as the required High Volume Low Pressure (HVLP) equipment.
- B) Statutory Authority: Implementing and authorized by Sections 9.8, 27, 28.2 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2].
- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2005. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that are involved in motor vehicle refinishing. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments give greater flexibility to sources.
- F) Agency contact person for information: Address concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Erin Conley, Rules Coordinator  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217-782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The Board currently has a general clean-up of Part 218 and Part 219 open at docket R04-20. The Illinois EPA anticipates placing the proposed Portable Fuel Container Rule under Parts 218 and 219. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Charles Matoesian  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- f) Parts (Heading and Code Citation): Solvent Cleaning (35 Ill. Adm. Code 218 and 219)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency is preparing a rulemaking relating to an alternative to the current cold cleaning provision requiring the use of solvent with a vapor pressure no greater than 1.0mm Hg (0.019 psi). The alternative is an alternative control plan employing add-on control devices that demonstrate at least 95 percent overall capture and control of emissions from cold cleaning operations.
- B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2005. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Cold Cleaning Degreaser rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Annet Godiksen  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217/782-5544)

- g) Parts (Headings and Code Citations): Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: The proposal would amend Part 217 to update the incorporations by reference, and to reflect the recent amendments to Section 9.9 of the Act. Amendments to Section 9.9 of the Act included authority for the Agency to sell certain allowances, disbursement of the sale proceeds to the Agency and certain sources, and clarified the compliance date for cement kilns, industrial boilers and utility boilers. The proposed amendments will also include changing the dates that applications for New Source Set Aside allowances must be submitted. Additionally, amendments to Part 217 will address the October 27, 1998, action of the United States Environmental Protection Agency. USEPA issued a NO<sub>x</sub> SIP Call requiring Illinois and numerous other states to adopt certain regulations for the control of nitrogen oxide (NO<sub>x</sub>) emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Illinois is required to adopt NO<sub>x</sub> emission controls for four categories of industrial sources. The Board has already adopted rules that control NO<sub>x</sub> emissions from boilers and turbines serving electric generator units greater than 25 megawatts; boilers and turbines with heat input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals remanded this category to USEPA for further consideration. USEPA promulgated final guidance for this category on April 21, 2004 at 69 Fed. Reg. 21604.
- B) Statutory authority: Implementing and authorized by Sections 9, 9.9, 10, 27, and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.9, 10, 27, and 28.5, (2003)].

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- C) Scheduled meeting/hearing dates: None yet scheduled.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NO<sub>x</sub> Trading Program could be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/524-3337  
Internet: epa8856@epa.state.il.us

## POLLUTION CONTROL BOARD

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h) Part (Heading and Code Citation): Portable Fuel Containers (35 Ill. Adm. Code 218 and 219)

1) Rulemaking: No docket presently reserved.

A) Description: This rulemaking will address emissions from portable fuel containers.

B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2005. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation utilizing portable fuel containers.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Erin Conley  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
Internet: epa8855@epa.state.il.us

- i) Part (Heading and Code Citation): Sulfur Limitations (35 Ill. Adm. Code 214)

- 1) Rulemaking: Docket number R04-12

- A) Description: The Board has opened docket number R04-12 to propose non-substantive corrections to Part 214. These include typographical errors to formulas. (See dismissed docket R04-10, "Clean-Up Amendments to 35 Ill. Adm. Code 214.")
- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: The Board held two hearings in this rulemaking; the first in Chicago on March 18, 2004, and the second in Springfield on May 6, 2004.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is subject to the existing limitations on the emission of sulfur oxides.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-12, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R04-12, as follows:

Richard McGill  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6983  
Internet: mcgillr@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 214.
- j) Part(s) Heading(s) and Code Citation(s): Commercial and Industrial Solid Waste Incineration Units (35 Ill. Adm. Code 225)
- 1) Rulemaking: No docket presently reserved.
- A) Description: On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the USEPA promulgated emission guidelines for commercial and industrial solid waste incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 30, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.

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- B) Statutory Authority: Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: A Spring or Summer of 2005 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.
- E) Effect on small business, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.
- F) Agency and Board contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

## POLLUTION CONTROL BOARD

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- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/524-3337  
Internet: epa8856@epa.state.il.us

- k) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

- 1) Rulemaking: No docket presently reserved.
- A) Description: This rulemaking will make amendments to address the new PM 2.5 standard and incorporate the new 8-hour ozone standard.
- B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting /hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will not directly affect any small business, small municipality, or not-for-profit corporation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Pollution Control Board  
100 West Randolph Street, Suite 11-500  
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312/814-3620

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Pollution Control Board  
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Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
Internet: epa8855@epa.state.il.us

- l) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. 302 & 303)

- 1) Rulemaking: R05-10

- A) Description: The Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal with the Board relating to E. coli standards for Lake Michigan and Illinois' portion of the Mississippi River. The rulemaking proposes to establish E. coli standards consistent with the expectations of U.S. EPA.
- B) Statutory authority: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- C) Schedule meeting/hearing date: The IEPA filed its regulatory proposal with Board on November 8, 2004. No meetings or hearing are scheduled

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at this time. The Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board anticipates filing this rulemaking for first notice publication in the Spring or Summer of 2005.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule could indirectly affect facilities that discharge pollutants since water quality standards are used in determining National Pollutant Discharge Elimination System permits. Also, beach managers and businesses in beach areas may be indirectly affected by this proposed rule since water quality standards are used in making decisions concerning beach advisories and closings. However, since the Illinois Department of Public Health already uses the E. coli standard to regulate designated bathing beaches, no actual new impact is likely.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Parts 302 and 303.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Stefanie Diers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- m) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments revise and add numeric water quality standards for the protection of aquatic life. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.
- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality,

## POLLUTION CONTROL BOARD

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or not-for-profit corporation that discharges particular contaminants into waters of the State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-1654

- n) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: No docket presently reserved.

- A) Description: 35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use

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designations other than general use. The IEPA has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Deborah J. Williams  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544

- o) Part (Heading and Code Citation): Effluent Standards (35 Ill. Adm. Code 304)

- 1) Rulemaking: R04-26

- A) Description: On June 3, 2004, the Board accepted for hearing a proposal filed by the Illinois Environmental Protection Agency (IEPA) on May 14, 2004 to set an interim phosphorus effluent standard by adding five new subsections (g-k) to existing 35 Ill. Adm. Code 304.123.

The phosphorus effluent limit of 1.0 milligrams per liter (mg/l) as a monthly average would apply to new or expanded discharges from treatment works with a design average flow greater than 1.0 million gallons per day (mgd) receiving municipal or domestic wastewater, or a total phosphorus effluent load of 25 lbs/day or more. However, if the source can demonstrate that phosphorus is not limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water, the 1.0 mg/l limit would not apply. Since these standards apply only to new or expanded discharges, existing facilities are "grandfathered in", and would not have to meet the proposed interim standard.

In its statement of reasons, the IEPA asserts that it is in the process of developing the State numeric nutrient standards pursuant to its triennial

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water quality standards review, and that a final effluent level would be included as part of the nutrient standards rulemaking that IEPA plans to file with the Board in early 2007. In the interim, the IEPA is proposing the 1.0 mg/l effluent standard for phosphorus to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth.

- B) Statutory authority: Implementing and authorized by Sections 13, and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].
- C) Scheduled meeting /hearing date: The Board has held hearings in this rulemaking on August 30, 2004 in Chicago and on October 25, 2004 in Springfield.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the waters of Illinois.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

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## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

- G) Related rulemaking and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 304.
- p) Parts (Headings and Code Citations):  
 Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
 Pretreatment Programs (35 Ill. Adm. Code 310)
- 1) Rulemaking: Docket number R05-15
- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R05-15 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2004 through December 31, 2004. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 400 through 499 and its implementation. That action is described below:

May 6, 2004 (69 Fed. Reg. 25324)	USEPA published a correction to the July 1, 2003 edition of 40 C.F.R. 439. The corrections reinstate the text inadvertently deleted from two pages of the regulations; they are not substantive amendments. (No Board action may be necessary.)
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The Board will verify whether amendments are necessary based on this federal action. The Board will further verify the existence of any additional federal actions that may affect the text of 40 CFR 400 through 499 and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R05-15, as necessary and appropriate.

## POLLUTION CONTROL BOARD

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Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R05-15, if the earliest federal amendments in the applicable period are assumed to have occurred on May 6, 2004, the due date for Board adoption would be May 6, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be May 6, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by February 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-15, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-15, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- q) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.
- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

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- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2005. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which

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involve a related subject matter. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Stefanie Diers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.  
Manager, Northern Municipal Unit  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Bureau of Water  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-0810

r) Part(s) (Heading and Code Citation): Agriculture Related Water Pollution (35 Ill. Adm. Code Subtitle E)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrate Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations.

B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2005. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agribusiness that meets the federal definition of a Concentrated Animal Feeding Operation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Deborah J. Williams

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

s) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R05-17

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R05-17 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2004 through December 31, 2004. At this time, the Board is aware that USEPA undertook one action that affected the text of the federal drinking water regulations:

August 25, 2004 (69 Fed. Reg. 52176)

USEPA approved three additional analytical methods for uranium in drinking water that use inductively-coupled plasma-mass spectrometry.

Since the federal action of August 25, 2004 was so closely related to the federal action of June 2, 2004, involved in the previous SDWA update docket, R05-6, the Board included the Action of August 25, 2004 in that docket. At this time, the Board is not aware of any other federal amendments to the federal SDWA regulations that might require Board action.

The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the

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identical-in-substance procedure or dismiss docket R05-17, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. In docket R05-17, if the earliest federal amendments in the applicable period are assumed to have occurred on the first day of the update period, on July 1, 2004, the due date for Board adoption would be July 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2005, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by April 2005. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at

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least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-17, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-17, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: The previous SDWA update docket, R05-6 is presently scheduled for adoption by the Board by the beginning of February 2005. No other presently-known proceeding would affect provisions of Part 611.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- t) Parts (Headings and Code Citations): Laboratory Accreditation Rules (35 Ill. Adm. Code 611)

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- 1) Rulemaking: No docket presently reserved.
  - A) Description: The Illinois Environmental Protection Agency's (IEPA) proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear safety. A repeal of Part 183 has been completed.
  - B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].
  - C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
  - D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2005. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
  - E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the

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requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective proceeding (see item (q) above) and other, as yet unknown proceedings could affect the text of Part 611.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Jim Shaw  
Division of Laboratories  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
217/782-5544

- u) Parts (Headings and Code Citations): Maximum Setback Zones (35 Ill. Adm. Code 618 – Part not yet reserved)

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- 1) Rulemaking: R05-09
  - A) Description: 35 Ill. Adm. Code 618 is a new Part that prescribes maximum setback zones and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616. This new Part is necessary to ensure public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to ensure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.
  - B) Statutory authority: Implementing Section 14.3 of the Illinois Environmental Protection Act [415 ILCS 5/14.3] and authorized by Section 27 the Illinois Environmental Protection Act [415 ILCS 5/27].
  - C) Scheduled meeting/hearing dates: The Board has scheduled hearings in this rulemaking for March 1, 2005, at 10:00 am at Pekin City Hall, Council Chambers - 2nd Floor, 111 South Capitol Street, Pekin, IL; and Tuesday, April 5, 2005, at 10:00 am, James R. Thompson Center, Room 2-025, 100 West Randolph Street, Chicago, IL.
  - D) Date agency anticipates First Notice: The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] before sending this rulemaking to first notice.
  - E) Effect on small business, small municipalities, or not-for-profit corporation: This rule will affect any small business, small municipality, or not-for-profit corporation that is located within the maximum setback zone and does any of the following: land filling, land treating, surface impounding or piling of special waste and other wastes that could cause contamination of groundwater when such wastes are generated on the site (other than hazardous, livestock and landscape waste, and construction and demolition debris); storing of special waste in an underground storage tank for which federal regulatory requirements for the protection of groundwater are not applicable; storing and related handling of pesticides and fertilizers at a facility for the purpose of commercial application; storing and related handling of road oils and de-icing agents at a central location; or storing and related handling of pesticides and fertilizers at a central location for the purpose of distribution to retail sales outlets. (415 ILCS 5/14.3)

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Further, this rule will affect any small business, small municipality, or not-for-profit corporation that proposes to locate a Potential Primary Source within such zone after the effective date of this regulation. "Potential primary source" means any unit at a facility or site not currently subject to a removal or remedial action that: 1) is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; 2) is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; 3) is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or 4) stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield, Illinois 62704  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Richard Cobb  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276

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Springfield, Illinois 62794-9276

217/785-4787

Internet: Rick.Cobb@epa.state.il.us

- v) Parts (Headings and Code Citations):  
RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
UIC Permit Program (35 Ill. Adm. Code 704)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
- 1) Rulemaking: Presently reserved docket number R05-18
- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.
- The Board has reserved docket number R05-18 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2004 through December 31, 2004. At this time, the Board is not aware of any federal amendments to the federal UIC regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R05-18, as necessary and appropriate.
- The Board will verify the existence of any additional federal actions that may affect the text of the federal UIC regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure under docket R05-18, as necessary and appropriate.
- Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the

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earliest USEPA action during the update period that will require Board action is the first day of the update period, on July 1, 2004, the due date for Board adoption of all amendments in the period would be July 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2005. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-18, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R05-18, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: The previous RCRA Subtitle C update docket, R05-2, and the rulemaking proceeding entitled, Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), R05-8, are presently scheduled for adoption by the Board by April 2005. The reserved RCRA Subtitle C update docket R05-13 (see item (w) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- w) Parts (Headings and Code Citations):  
RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)

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Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

Land Disposal Restrictions (35 Ill. Adm. Code 728)

Standards for Universal Waste Management (35 Ill. Adm. Code 733)

Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R05-13

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R05-13 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2004 through December 31, 2004. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle C hazardous waste regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R05-13, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on July 1, 2004, the due date for Board adoption of all amendments in the period would be July 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early March 2005. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-13, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-13, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500

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## JANUARY 2005 REGULATORY AGENDA

Chicago, Illinois 60601  
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Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: The previous RCRA Subtitle C update docket, R05-2, and the rulemaking proceeding entitled, Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), R05-8, are presently scheduled for adoption by the Board by April 2005. The reserved UIC update docket R05-18 (see item (v) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- x) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R05-14

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R05-14 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2004 through December 31, 2004. At this time, the Board is

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## JANUARY 2005 REGULATORY AGENDA

not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R05-14, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2004, the due date for Board adoption would be July 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2005, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2005. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board would promptly dismiss this reserved docket.

## POLLUTION CONTROL BOARD

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-14, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-14, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- y) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code Part 732)
- 1) Rulemaking: R04-22

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- A) Description: 35 Ill. Adm. Code Part 732 contains the rules governing the remediation of leaking underground storage tanks. The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. Amendments updating the Pollution Control Board's rules in light of these Public Acts will be proposed. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.
- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The Board has held hearings in this rulemaking on: March 15, 2004 in Chicago; May 25, 2004 in Bloomington; May 26, 2004 in Springfield; June 21, 22, and 23 in Springfield; and July 6, 2004 and August 9, 2004 in Springfield.
- D) Date Agency Anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

M. Kyle Rominger  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544  
Internet: Kyle.Rominger@epa.state.il.us

- z) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (Releases Reported on or after June 24, 2002) (New Part).

- 1) Rulemaking: R04-23

- A) Description: The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. A new Part to the Pollution Control Board's rules will be proposed in light of the changes made by the Public Acts. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.
- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The Board has held hearings in this rulemaking on: March 15, 2004 in Chicago; May 25, 2004 in Bloomington; May 26, 2004 in Springfield; June 21, 22, and 23 in Springfield; and July 6, 2004 and August 9, 2004 in Springfield.

## POLLUTION CONTROL BOARD

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- D) Date Agency Anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2005.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Amendments to the Pollution Control Board's rules at 35 Ill. Adm. Code 732 will be proposed in conjunction with the new Part 734.

For information regarding the development of these amendments please contact:

M. Kyle Rominger  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

## POLLUTION CONTROL BOARD

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217/782-5544

Internet: Kyle.Rominger@epa.state.il.us

aa) Part(s) (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

- A) Description: Since the Board rules were adopted on June 5, 1997, the IEPA's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring or Summer of 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

## POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the text of Part 742.

For information regarding the development of these amendments please contact:

Kimberly A. Geving  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- bb) Part(s) (Headings and Code Citation): Site Remediation Program (35 Ill. Adm. Code 740)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Site Remediation Program (“SRP”) is one of the Illinois Environmental Protection Agency’s (“Illinois EPA”) primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. For a variety of reasons including threats to adjacent properties, their occupants, or potable water supplies, certain of these sites create or attract a heightened level of public attention or concern. For these sites and others that attract public concern, the Illinois EPA expects to propose amendments to Part 740 requiring some combination of public notice and Community Relations Workplans. The purpose of the workplan would be to establish two-way communications between the Remediation Applicant

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and community members who may be affected by (or perceive they are affected by) site contamination and activities at the site. This proposal will be part of the Agency's response to House Resolution 1010 directing the Illinois EPA to strengthen its public outreach efforts whenever exceedences of applicable health or safety standards are identified. (H.R. 1010, 93rd General Assembly (2004)).

- B) Statutory Authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Spring or Summer of 2005 after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to enroll in the SRP, and who fall within the criteria for developing and implementing a Community Relations Workplan, the workplan will require identifying the affected or interested public, selecting appropriate methods of outreach to that public, establishing a document repository, preparing and updating a fact sheet with identification, history and plans for the remediation site, and proposing a schedule for implementation of the workplan. These requirements will increase the resources necessary for participation in the SRP for those Remediation Applicants whose sites fall within the criteria.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

Pollution Control Board  
100 West Randolph Street, Suite 11-500  
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Address questions concerning this regulatory agenda as follows:

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1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
Internet: Mark.Wight@epa.state.il.us

- cc) Part(s) (Headings and Code Citation): Ecological Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 743)

- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois EPA anticipates proposing a new Part setting forth procedures for evaluating the risk to ecological receptors posed or potentially posed by releases of regulated substances and for developing benchmarks that adequately protect those ecological receptors.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

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- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Spring or Summer of 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation electing to participate in the voluntary Site Remediation Program, pursuant to 35 Ill. Adm. Code 740, and required to perform an ecological risk assessment pursuant to the new Part.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: The Agency anticipates submitting related amendments to 35 Ill. Adm. Code 740 in conjunction with the proposal of Part 743.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

For information regarding the development of these amendments please contact:

Judith S. Dyer  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- dd) Part(s) (Headings and Code Citation): Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Parts 807 and 811)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G relating to Financial Assurance including adding evergreen renewal language to several financial assurance mechanisms.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21.1, 22 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22 and 27]
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Spring 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation providing or requesting financial assurance for the closure and post closure care of waste disposal sites.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

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Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: [conleye@ipcb.state.il.us](mailto:conleye@ipcb.state.il.us)

- G) Related Rulemaking and other pertinent information: The Agency anticipates submitting related amendments to 35 Ill. Adm. Code 740 in conjunction with the proposal of Part 743.

For information regarding the development of these amendments please contact:

Stephanie Flowers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
E-Mail: [Stephanie.Flowers@epa.state.il.us](mailto:Stephanie.Flowers@epa.state.il.us)

- ee) Parts (Headings and Code Citations):  
Solid Waste (35 Ill. Adm. Code 807)  
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

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## Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R05-12
  - A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R05-12 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2004 through December 31, 2004. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-February 2005. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D municipal solid waste regulations using the identical-in-substance procedure or dismiss docket R05-12, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R05-12, if the earliest federal amendments in the applicable period is assumed to have occurred on the first day of the update period, on July 1, 2004, the due date for Board adoption of all amendments in the period would be July 1, 2005.
  - B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
  - C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

## POLLUTION CONTROL BOARD

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- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2005, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by April 2005. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-12, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda, noting docket number R05-12, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: The previous RCRA Subtitle D update docket, R05-1, is presently scheduled for adoption by the Board by March 2005.

## POLLUTION CONTROL BOARD

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Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- ff) Part(s) (Headings and Code Citation): Recycling Facilities (35 Ill. Adm. Code 840)  
(New Part)
- 1) Rulemaking: No docket presently reserved.
    - A) Description: New rules containing operating standards for certain recycling facilities will be proposed. Recycling facilities anticipated to be covered by the new rules are those where paper, glass, plastic, metal cans, aluminum containers, or textiles are recycled.
    - B) Statutory Authority: Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].
    - C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
    - D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Spring or Summer of 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
    - E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This Part may affect any small business, small municipality or not-for-profit corporation that owns or operates a recycling facility.
    - F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

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Pollution Control Board  
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Address questions concerning this regulatory agenda as follows:

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1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information: None

For information regarding the development of these amendments please contact:

M. Kyle Rominger, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
Internet: Kyle.Rominger@epa.state.il.us

gg) Part(s), (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program including changes necessary to make the Board's rules consistent with legislative

## POLLUTION CONTROL BOARD

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amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.

- B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: Submission to the Board by the Illinois EPA may be as soon as the Spring 2005, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
Internet: conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding will affect solid waste transfer stations.

## POLLUTION CONTROL BOARD

## JANUARY 2005 REGULATORY AGENDA

For information regarding the development of these rules please contact:

Stephanie Flowers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544  
E-mail: [Stephanie.Flowers@epa.state.il.us](mailto:Stephanie.Flowers@epa.state.il.us)

- hh) Part(s), (Headings and Code Citations):  
Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code 902)  
Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901 (35 Ill. Adm. Code 910) New Part

1) Rulemaking: R03-09

- A) Description: The Illinois Pollution Control Board opened this rulemaking to update Parts 901 and 910 of its noise regulations found in 35 Ill. Adm. Code Subtitle H.

The proposed changes to Part 901 replace the existing 1965 Standard Land Use Coding Manual (SLUCM) codes with the Land-Based Classification Standards (LBCS) codes, a consistent model for classifying land uses based on a multi-dimensional land use classification model based land classification. The proposed changes to Section 901.104 clarify that the impulsive sound standards are based on 1-hour A-weighted equivalent sound levels. The Board also proposes to revise the numeric standards to bring highly impulsive noise standards into conformity with the standards set forth in Sections 901.102 and 901.103 in terms of the effective community response.

This proposal includes the revision of outdated numerical sound emission standards for property line noise sources found at 35 Ill. Adm. Code Parts 901

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The proposed new Part 910 sets forth the measurement procedures for enforcing the Board's noise standards in Parts 900 and 901. These procedures are essentially based upon the Illinois Environmental Protection Agency's noise measurement protocols at 35 Ill. Adm. Code 951. In addition to the measurement techniques, the proposal contains general requirements and specific instrument requirements. The proposed Appendix A includes tables (obtained from extensive measurements) that can be used to determine the long-term background ambient noise levels in instances where direct measurements cannot be made.

- B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].
- C) Scheduled meeting/hearing dates: The Board has held hearings in this rulemaking on May 1, 2003; May 15, 2003; February 10, 2004; and November 4, 2004
- D) Date Agency anticipates First Notice: The Board anticipates filing this proposal for first notice in the Spring or Summer of 2005.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that engages in noise consulting or that emits noise beyond the boundaries of its property.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274

POLLUTION CONTROL BOARD

JANUARY 2005 REGULATORY AGENDA

Springfield, Illinois 62794-9274

217/782-2471

Internet: [conleye@ipcb.state.il.us](mailto:conleye@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information: No other presently-known proceeding will affect the Board's noise regulations.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF SUSPENSION &amp; PENALTY FEE UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Sentinel Mortgage Corporation, License No. MB.0004793 of Chicago, Illinois, and issued a penalty fee of \$4,500 under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REMOVAL OF SUSPENSION UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has removed the suspension against New Source Funding, Inc., License No. MB.0005059 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROBATION AND FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has placed LMC Mortgage Corporation, License No. MB.0005638 of Chicago, Illinois, a licensee under the Act, on probation for a period of six months commencing December 30, 2004 and issued a fine of \$20,000, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$3,000 against Great Northern Financial Corporation, License No. MB.0002070 of Burbank, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:  
<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against Res-Com Mortgage Corp., License No. MB.0004116 of Niles, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against North Point Lending Group, Inc., License No. MB.0004486 of Glenview, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:  
<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against MC Mortgage Banc, Inc., License No. MB.0004674 of Lincolnwood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against Tarah Mortgage, Inc., License No. MB.0004690 of Crystal Lake, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Benchmark Mortgage Corporation, License No. MB.0004691 of Schaumburg, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to:  
<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$3,000 against Omega Mortgage Mall, Inc., License No. MB.0004711 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$25,000 against Silver Mortgage Bancorp, Inc., License No. MB.0004730 of Naperville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$7,500 against Prime Mortgage Financial, Inc., License No. MB.0004961 of Skokie, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Platinum Capital Group (Inc.), License No. MB.0005168 of Irvine, California, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Gennao Financial Services, License No. MB.0005578 of Belleville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against Convenient Mortgage Corporation, License No. MB.0005589 of Bartlett, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$35,000 against LMC Mortgage Corporation, License No. MB.0005638 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Home USA Mortgage Company, License No. MB.0005649 of Skokie, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Homestar Mortgage Group, Inc., License No. MB.0005972 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:

<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,500 against Mortgage Concepts, Inc., License No. MB.0006004 of Burbank, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Ashland Mortgage Corporation, License No. MB.0006016 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Raven Mortgage Corporation, License No. MB.0006241 of Homewood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to:  
<http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$3,000 against Residential Plus Mortgage Corporation, License No. MB.0006264 of Morton Grove, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Metro Financial Services, License No. MB.0006310 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Eastbay Mortgage, License No. MB.0006352 of Addison, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 29, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against South Holland Mortgage Group Incorporated, License No. MB.0006590 of South Holland, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Primavera Financial Solutions, License No. MB.0006608 of Palatine, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,500 against Gold Star Mortgage Services, LLC, License No. MB.0006649 of Belleville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against The Harlem Group, Inc., License No. MB.0006667 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

## PROCLAMATIONS

**2005-13****NATIONAL PARENT LEADERSHIP MONTH**

WHEREAS, being a parent can mean many things to many people. The role of parent, whether it is paternal, maternal, foster, or adoptive is a cherished contribution to our community; and

WHEREAS, parents play a critical role in their child's upbringing. Thus, meaningful Parent Leadership with the necessary knowledge and skills allows parents to function with a "parent voice" in shaping the direction of their families, programs and communities; and

WHEREAS, Parents Anonymous® Inc., an organization committed to child abuse prevention, has conducted innovative ethnographic research resulting in a conceptual framework consisting of 10 significant steps to building successful Parent Leadership; and

WHEREAS, national research studies confirm the effectiveness of Parents Anonymous® in diminishing the impact of risk factors while dramatically increasing the resiliency of parents and children. In turn, this results in the prevention of child abuse and neglect; and

WHEREAS, Parent Leadership is successfully achieved when parents wholly commit themselves to the essential methods that occur before the implementation of policies and programs aimed at affecting families and communities; and

WHEREAS, the State of Illinois recognizes the vital importance of partnering with parents and assist public systems and private organizations, policymakers and other key stakeholders to effectively implement parent leadership strategies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby declare February 2005 as **NATIONAL PARENT LEADERSHIP MONTH** in Illinois, and encourage all citizens to recognize, honor and celebrate parents for the vital leadership roles they hold in their homes as well as in local, state, national and international arenas.

Issued by the Governor January 10, 2005.

Filed by the Secretary of State January 11, 2005.

**2005-14****AMBER ALERT AWARENESS DAY**

WHEREAS, the AMBER Alert System is an early warning system created and instituted after the tragic abduction and murder of nine-year-old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, Texas in January of 1996; and

WHEREAS, along with paying tribute to Amber Hagerman's memory, AMBER is also an acronym, standing for America's Missing: Broadcast Emergency Response; and

WHEREAS, since 2002, 176 children, or 80 percent of the total number of all successful recoveries of abducted children in this country, have occurred as a result of the AMBER Alert System's presence in 49 of our 50 states. Thus, this successful collaboration of law enforcement professionals, broadcasters and transportation representatives has formed a critical chain of communication to more effectively recover missing children; and

## PROCLAMATIONS

WHEREAS, the coordinated efforts at local, state and national levels are continuing to see significant improvements in the management and communication operations of the AMBER Alert System. As a result, a greater number of citizens are being educated about the AMBER Alert System, how it works, and how they can get involved in helping to further its efforts; and

WHEREAS, here in the State of Illinois, we are proud to join in the national fight to search for missing children by raising public awareness of this tremendous program:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 13, 2005 as **AMBER ALERT AWARENESS DAY** in Illinois, and encourage all citizens to actively participate in safely recovering our nation's abducted children.

Issued by the Governor January 11, 2005.

Filed by the Secretary of State January 11, 2005.

**2005-15****FOUR CHAPLAINS SUNDAY**

WHEREAS, on February 3, 1943, four United States Army Chaplains, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend Clark V. Poling and Reverend John P. Washington, sacrificed their lives in one of the most inspiring acts of heroism during World War II; and

WHEREAS, on what is now remembered as "Four Chaplains Sunday," the four Chaplains remained onboard the sinking U.S.A.T. Dorchester, handing out life jackets to the soldiers; and

WHEREAS, when no life jackets remained, they removed their own and gave them away, so that four more soldiers would have a chance at survival; and

WHEREAS, they then sank with the ship in the North Atlantic, their arms linked together while they prayed; and

WHEREAS, this year's memorial program is being hosted by the Polish Legion of American Veterans, Department of Illinois, and is annually sponsored by the Combined Veterans Association of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2005 as **FOUR CHAPLAINS SUNDAY** in Illinois to commemorate the brave Chaplains who served God and their country with selflessness, bravery and dedication, and made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 12, 2005.

Filed by the Secretary of State January 12, 2005.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 5 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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