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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

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

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1st through **Monday, July 1st, 2013.**

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.3 Proposed Action:
Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 97-1172 amended the Illinois Public Labor Relations Act [5 ILCS 315/16.1] to authorize the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining as described in Section 6.1 by 4/5/14. Upon such designation of a State employment position by the Governor, Section 6.1 requires the Board to review and take action on such designation within 60 days after the date the designation was filed with the Board. The Board has proposed rulemaking to implement this amendment to the Act. The amendment to Section 1200.3 of this Part serves to exclude procedures implementing Section 6.1 of the Act from the general procedures of the Board.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

Jerald S. Post
General Counsel
Illinois Labor Relations Board
160 N. LaSalle Street, Suite S-400
Chicago, Illinois 60601

312/793-6400
Jerald.Post@Illinois.Gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of Professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because the legislation necessitating these rules was signed into law on April 5, 2013.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment, and can be found on page 5897:

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
6.40	Amend
6.125	Amend
6.140	Amend
6.160	Amend
6.170	Amend
6.200	Amend
6.210	Amend
6.220	Amend
6.300	Amend
6.410	Amend
6.610	Amend
6.830	Amend
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101]
- 5) Effective Date of Amendments: April 19, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any incorporation by reference, is on file with the CPO and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: February 8, 2013; 37 Ill. Reg. 1365
- 10) Has JCAR issued a Statement of Objection to these Amendments? No

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: A grammatical correction was made in agreement with JCAR. Additionally, the Summary and Purpose at #15 in this Notice, first sentence, was revised to say "Summer 2013" rather than "Spring 2013".

At Section 6.125(b), after "State" the Department inserted "(under Section 45-45(b) of the Code)" and, also, after "small business", the Department inserted "or small business concern". The Department also struck "(See Section 45-45(e)(1) of the Code.)" and deleted "and 49 CFR 26.5 and 26.65".

At Section 6.160(d), the Department deleted "may" and restored "will".

At Section 6.40, "Special Provisions", after "Standard", the Department added "Specifications for Road and Bridge Construction" and after "and" inserted "the". Additionally, in this same definition, the Department inserted "(see the Department's website at <http://www.dot.state.il.us/desenv/hwyspecs.html>)" after "Provisions".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Amendments: Changes were made to the Part to accommodate electronic bids (ebids) planned for Summer 2013.

Following are summaries of the significant changes that were made to this Part.

At Section 6.125, Small Business Set-Asides, the Department revised subsection (a) for consistency with section 45-45 of the Code which authorizes the Chief Procurement Officer (CPO) to set aside procurements for small businesses. 49 CFR 26.39 (federal Disadvantaged Business Enterprises (DBE) regulations) allows the Department to use a race neutral small business set-aside program. Additionally, subsection (a) was revised for consistency with US DOT's guidance document which does not allow the federal-aid small business set-aside program to be limited to Illinois firms. At subsection (b), revisions were made consistent with section 45-45(b) of the Code which authorizes the CPO to establish a detailed definition of a "small business". US DOT guidance defines a "small business concern". Finally in subsection (b), a provision was added to prescribe

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that the contract proposal will clarify which definition – "small business" or "small business concern" will govern the contract.

At Section 6.140, Invitations for Bids, the Department revised subsection (b)(1) to more accurately reflect that information is available to even those entities who do not place bids.

At Section 6.160, Preparation of Bids, the Department revised subsection (c) to allow electronic signatures for electronically submitted bids in accordance with section 25-10(c) of the Electronic Commerce Security Act [5 ILCS 175/25-101(c)] and 14 Ill. Adm. Code 105.300.

At Section 6.170, Delivery of Bids, the Department amended language to accommodate the acceptance of ebids under the ebid system.

At Section 6.210, Public Opening of Bids, the Department clarified language consistent with section 20-10(d) of the Code.

At Section 6.300, Execution of Contract, the Department changed the timeframe for its execution of a contract to 30 days from 15 days to allow, consistent with section 5-30 of the Code, the Procurement Policy Board a 30 day period to review a proposed contract after the notice of award or letting of a contract.

At Section 6.410, Subject of the Protest, the Department added language to clarify that the protest procedures of Subpart G do not apply to the Department or CPO acting on information received by the Department from any person, entity or source regarding a contractor's responsibility to bid (see Section 30-22 of the Code). The protest procedures of Subpart G concern the solicitation process and not a contractor's compliance with responsibility requirements.

At Section 6.610, Notice of Suspension, the Department clarified that the authority to impose a suspension or an interim suspension resides with the CPO and not the Secretary of Transportation or the Department.

At Section 6.830, Target Market Remedial Actions, the Department struck the word "bid" at subsection (a)(3) to expand the possible contract incentive actions the Department, in consultation with the CPO, may establish for achievement of minority-owned, female-

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

owned or Disadvantaged Business Enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs.

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

Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/ 558-5434

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

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR
THE DEPARTMENT OF TRANSPORTATION
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy and Application
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation Procurement Bulletin
- 6.55 Required Notices
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

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FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section

- 6.130 General Conditions for Use
- 6.140 Invitations for Bids
- 6.150 Amendments to Invitations for Bids
- 6.160 Preparation of Bids
- 6.170 Delivery of Bids
- 6.180 Change or Withdrawal of Bids
- 6.190 Combination Bids for Construction Contracts
- 6.200 Pre-Bid Conferences
- 6.210 Public Opening of Bids
- 6.220 Consideration of Bids
- 6.230 Mistakes
- 6.240 Award After Bid Evaluation
- 6.250 Split and Multiple Awards
- 6.260 Time for Award
- 6.270 Delay in Award
- 6.275 Notice of Award
- 6.280 Binding Contract
- 6.290 Requirement of Contract Bond for Construction Contracts
- 6.300 Execution of Contract
- 6.310 Publication of Contracts (Repealed)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

- 6.320 General Conditions for Use
- 6.330 Request for Proposals
- 6.340 Delivery of Proposals
- 6.350 Evaluation of Proposals
- 6.360 Discussions with Responsible Offerors
- 6.370 Award
- 6.380 Execution of Contracts

SUBPART F: CONTRACT ADMINISTRATION

Section

- 6.385 Expenditure in Excess of Contract Price

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6.388 Multi-year Contracts

SUBPART G: PROTESTS

Section

- 6.390 Application
- 6.400 Interested Party
- 6.410 Subject of the Protest
- 6.420 Filing of a Protest
- 6.430 Stay of Action during Protest
- 6.440 Decision

SUBPART H: SPECIFICATIONS

Section

- 6.450 Standard Specifications
- 6.460 Contract Documents
- 6.470 Specification Standards

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section

- 6.480 Purpose
- 6.490 Definitions
- 6.500 Policy
- 6.510 General
- 6.520 Causes for Suspension or Debarment
- 6.530 Interim Suspension
- 6.540 Voluntary Exclusion
- 6.550 Term of Suspension
- 6.560 Coverage
- 6.570 Other Agency Suspensions
- 6.580 Responsibility
- 6.590 Continuation of Executory Contracts
- 6.600 Exception Provision
- 6.610 Notice of Suspension
- 6.620 Response and Request for Hearing
- 6.630 Hearing Date and Hearing Officer

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6.640	Answer
6.650	Form of Documents
6.660	Computation of Time
6.670	Appearances
6.680	Hearing Procedures
6.690	Determination

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6.710	Federal Requirements
6.720	Intergovernmental Agreements
6.730	No Waiver of Sovereign Immunity
6.740	Written Determinations
6.750	Severability

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6.800	Purpose and Objective
6.810	Definitions
6.820	Implementation Procedures
6.830	Target Market Remedial Actions
6.840	Participation Eligibility
6.850	Limitations Applicable to Participation
6.860	Severability

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency

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expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg 14883, effective December 21, 2011; amended at 37 Ill. Reg. 5764, effective April 19, 2013.

SUBPART A: GENERAL

Section 6.40 Definitions

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

"Bid" – An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" – Any person or entity that in fact submits a bid.

"Change Order" – A formal, written directive issued to a contractor or an agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, design changes or alterations to plans, or special provisions or specifications for which no provision is included in the original contract.

"Chief Procurement Officer" or "CPO" – The person appointed under Section 1-15.15(2) of the Code.

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

"Construction Agency" – The Illinois Department of Transportation for construction or maintenance of roads, highways, bridges and airports as an agency that enters into construction contracts as authorized by law or by delegation from the CPO. (See Section 1-15.25 of the Code.)

"Contract" – In addition to the definition of contract set forth in Section 1-15.30

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of the Code, a contract is the written agreement entered into at the discretion of the SPO between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.

"Contract Adjustment" – A written price adjustment that adds to or deducts from a contract in accordance with provisions included in the original contract, including but not limited to increases or decreases in quantities, incentives, changed conditions and the addition of missing pay items called for in the specifications.

"Contractor" means any person, firm, corporation, organization, partnership or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.

"Day" – A calendar day.

"Department" – The Illinois Department of Transportation.

"Emergency Affidavit" – The affidavit filed by the CPO with the Procurement Policy Board and the Auditor General setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. (See Section 20-30(c) of the Code.)

"Emergency Contract" – The initial written agreement for an emergency procurement.

"Germane" – In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Multi-year Contract" – A multi-year contract is a contract with a time of performance of more than 12 months.

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FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

"Offerors" – For purposes of this Part, the term "offerors" includes only persons or entities submitting proposals that are acceptable or potentially acceptable. The term does not include persons or entities who submitted unacceptable proposals.

"PPB" – The Procurement Policy Board created by Section 5-5 of the Code.

"Procurement Compliance Monitor" or "PCM" – the person appointed under Section 10-15 of the Code.

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

"Purchasing Agency" – A State agency that enters into a contract at the direction of a State purchasing officer or a chief procurement officer. (See Section 1-15.70 of the Code.)

"Renewal" – An agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract.

"Responsible" – The capability, integrity and reliability of a bidder, offeror or contractor that, in all respects, will assure good faith performance to undertake and complete fully the requirements of a contract.

"Responsive" – In the context of bidding procedures, the compliance in all meaningful, material respects with the Invitation for Bids.

"Special Provisions" – Additions and revisions to the Standard [Specifications for Road and Bridge Construction](#) and [the Supplemental Specifications and Recurring Special Provisions](#) (see the Department's website at <http://www.dot.state.il.us/desen/hwyspecs.html>) applicable to an individual contract.

"Specifications" – The body of directions, provisions, and requirements for performance of prescribed work. Specifications includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"State Purchasing Officer" or "SPO" – The person appointed under Section 10-10 of the Code.

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"Subcontract" – A contractual agreement between a person or entity and a person or entity who has a contract subject to the Code and this Part, pursuant to which the subcontractor assumes obligation for performing specified work. (See Section 1-15.107 of the Code.)

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of \$25,000 or more with a contractor who has a contract subject to the Code. (See Section 1-15.108 of the Code.)

"Supplemental Specifications" – Additions and revisions to the Department's Standard Specifications.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

SUBPART C: METHODS OF PROCUREMENT

Section 6.125 Small Business Set-Asides

- a) The CPO, in consultation with the Department, may determine categories of construction, supply, and service procurements that will be set aside for small businesses ~~located in Illinois~~. The set-aside designation may be made for current and future procurements for a fair proportion of a specific construction, supply, or service, or for a class of like construction, supplies or services. A fair proportion of construction contracts means no less than 25% nor more than 40% of the annual total contracts for construction. A set-aside designation may last indefinitely or for a stated period of time, as determined by the Department. (See Section 45-45(a) and (c) of the Code.)
- b) A business that meets the State (under Section 45-45(b) of the Code) or federal definition of a small business or small business concern on the day of bid or proposal opening will be considered a small business for the duration of the contract. The definition will be stated in the contract proposal. ~~(See Section 45-45(e)(1) of the Code).~~
- c) If the Department wishes to make a procurement covered by a small business set-aside designation, the solicitation will note that responses are limited to those from responsible small businesses. Bids or proposals received from businesses

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FOR THE DEPARTMENT OF TRANSPORTATION

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other than small businesses will be rejected as nonresponsive. (See Section 45-45(a) of the Code.)

- d) If the Department determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Department will 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 will be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement will be conducted in accordance with the limitations of the Code and this Part. (See Section 45-45(d) of the Code.)
- e) Unless the Department provides a definition for a particular procurement that reflects industrial characteristics or uses a federal standard, a small business is one:
- 1) Independently owned and operated.
 - 2) Not dominant in its field of operations, which 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 will be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
 - 3) With annual sales for most recently ended fiscal year no greater than:
 - A) \$10,000,000 for wholesale business;
 - B) \$10,000,000 for construction business; or
 - C) \$6,000,000 for retail business.
 - 4) With no more than 250 employees if a manufacturing business.

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FOR THE DEPARTMENT OF TRANSPORTATION

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- 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, the annual sales for each component may not exceed the amounts shown in subsection (e)(3) of this Section. For example, a business that is both a retailer and wholesaler may not have total sales exceeding \$16,000,000; the retail component may not exceed \$6,000,000; and the wholesale component may not exceed \$10,000,000. 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) of this Section.
- 6) When computing the size of a business, the number of employees and annual sales and receipts, as applicable, of the business and all affiliates will be considered. 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 will be given to all appropriate factors, including the use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship will not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure. (See Section 45-45(b) of the Code.)
- f) Contractors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses or small business concerns shall submit information verifying that the contractor qualifies as a small business under the Code. The Department may establish procedures for verifying such information.

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(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section 6.140 Invitations for Bids

- a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)
- b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.
 - 1) Instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, certifications and assurances, mandatory disclosures, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
 - 2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.
 - 3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
 - 4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions, including disclosure forms.
- c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for

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Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration found at 44 Ill. Adm. Code 650.

- d) In addition, each construction contract item will include but not be limited to the following minimum information and requirements enforceable in accordance with State or federal law through the terms and conditions of the contract.
- 1) Information concerning the location, limits and description of the construction work and the scope thereof contemplated by the contract.
 - 2) An estimate of the various quantities of the type of work to be performed and the materials to be furnished in the performance of the contract.
 - 3) The manner of bid price submission for a construction contract may include lump sum, a schedule of unit prices or a combination thereof based upon the estimate of quantities provided in the contract.
 - 4) The manner of making changes in the quantities and such alterations in the work as necessary to satisfactorily complete the contract.
 - 5) Provisions to assure that all work is performed in accordance with the contract requirements including but not limited to the following methods.
 - A) Limitations on subcontracting;
 - B) Qualifications and requirements for contractor supervisory personnel;
 - C) Engineering services to be provided by the contractor;
 - D) Department provided resident personnel and inspectors;
 - E) Performance and payment bond requirements;
 - F) Inspection and acceptance of the work requirements;
 - G) Restrictions, sources and quality requirements for all materials and testing or inspection procedures;

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- H) The method of determination and documentation of pay quantities and a record of the materials, supplies and labor furnished in performance of the contract;
 - I) The manner of determining satisfactory prosecution of the work and progress to completion of the work in accordance with the time for completion set out in the contract including, when incorporated into the contract, provisions for liquidated damages and incentive payments for early completion; and
 - J) Provisions for the suspension of work and the termination of the contract.
- 6) All labor, employment and wage requirements applicable to the contract, and the manner of payroll recording, submission and inspection. (See the Prevailing Wage Act, [820 ILCS 130].)
 - 7) All procurement preferences made applicable to the contract. (See Article 45 of the Code.)
 - 8) The manner of measuring the work for payment based upon the estimated quantities provided or upon the actual quantities of material and work measured and completed including but not limited to progress payments as the work proceeds, and final payment.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.160 Preparation of Bids

- a) Bidders shall follow all instructions included in the Invitation for Bids and bid forms for submission of bids on the contract item for which bids are sought.
- b) Bidders shall submit their bids in the manner required by the Invitation for Bids.
- c) Unless otherwise provided, all prices shall be given in dollars and cents figures. Separate prices shall be entered for all pricing items indicated in the bid form. When alternate bids are sought for a particular contract item, the alternates will be

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identified in the bid form. A bid on every alternate is not required unless otherwise specifically provided. When required by the Invitation for Bids, the bidder shall indicate a unit price for each of the separate price items called for in the bid form. The bidder may be required to show the products of the respective quantities and unit prices in a space provided for that purpose, and a gross sum shown in the place indicated in the bid form as the summation of those products. All writing shall be in a permanent, noneraseable form, except the signature of the bidder, which shall be written in permanent, noneraseable ink. Electronic signatures will be accepted for electronically submitted bids in accordance with the security standards established by the Department of Central Management Services (see 5 ILCS 175/25-101(c) and 14 Ill. Adm. Code 105.300).

- d) When required by the Invitation for Bids, each bid shall be accompanied by a bid bond in the form provided by the Department with the bid form package. The bid bond shall be made and tendered by a surety acceptable to the CPO in the amount stated in the Invitation for Bids. The ~~Department CPO~~ will accept a bank cashier's check or a certified check in lieu of a surety bid bond.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.170 Delivery of Bids

Bids shall be sealed and submitted in the manner specified or allowed by the Invitation for Bids. When sent by mail, the sealed bid shall be addressed to the CPO at the address and in care of the official in whose office the bids are to be received. All bids shall be delivered and received by the CPO prior to the time and at the place specified in the Invitation for Bids. The date and time of receipt will be recorded. Bids will remain sealed and will be stored in a secure place until the date and time established for bid opening. The Department will not accept paper bids nor receive electronic bids after the time stated in the Invitation for Bids. Bids received after the time specified will be returned to the bidder unopened.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.200 Pre-Bid Conferences

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They will be announced in the Bulletin. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with the

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~~project~~, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference shall be binding. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be available upon request to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.210 Public Opening of Bids

Bids will be opened and ~~made public~~ ~~read publicly~~ at the time and place specified in the Invitation for Bids. (See Section 20-10(d) of the Code.) The name of each bidder and the price term of each bid will be read aloud and/or recorded in a tabulation of bids for each contract item advertised. After execution of the contract, the tabulation of bids in the total amount and unit price items, if applicable, of all bidders will be available for public inspection. ~~(See Section 15-25(b) of the Code.)~~

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.220 Consideration of Bids

- a) After the bids are opened, ~~read~~ and recorded, the bids will be reviewed for responsiveness to the Invitation for Bids and conformity with all requirements prescribed in this Part. If unit prices are required, the bids will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices.
- b) The right is reserved by the Department to reject any or all bids, to waive minor informalities or technicalities, to advertise for new bids, or to request confirmation or clarification from any bidder regarding information contained in a bid.
- c) Reasons for rejection of all bids include but are not limited to:
 - 1) The object of the contract being procured is no longer required.
 - 2) The contract provisions require amendment.

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- 3) The solicitation did not provide for consideration of all factors of significance to the Department.
 - 4) The bid prices exceed available funds or the bid prices exceed the anticipated estimate of costs to the extent that, in the judgment of the Department, prices are unreasonable.
 - 5) Evidence of collusion among bidders.
 - 6) Actions or events beyond the control of the Department, such as strikes, acts of God, material shortages, acts of the public enemy or litigation, would have an adverse effect on the completion of the anticipated contract.
- d) Reasons for rejection of any individual bids include but are not limited to:
- 1) More than one bid for the same contract item from a bidder under the same or different names.
 - 2) Evidence of collusion among bidders.
 - 3) Unbalanced bids in which the bid prices for some items are, in the judgment of the Department, out of proportion to the bid prices for other items.
 - 4) If the bid does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.
 - 5) If the bid form is other than that furnished or authorized by the Department, or if the form is altered or any part of the form thereof is detached.
 - 6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend, in the judgment of the Department, to make the bid incomplete, indefinite, or ambiguous as to its meaning.

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- 7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
- 8) If the bid is not accompanied by the proper bid bond or substitute guaranty.
- 9) If the bid is prepared in any manner other than as indicated in this Part or the Invitation for Bids making the bid not responsive.
- 10) If the bidder failed to incorporate relevant addenda or revisions.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

Section 6.300 Execution of Contract

- a) No contract subject to this Subpart D will be executed until the 30-day PPB notice period has expired or the Department has received a waiver of the 30-day notice period from the PPB. (See Section 5-30 of the Code.)
- b) The bid form submitted by the bidders may be in such a form that the signature of the bidder on the form is also the signature of the bidder for purposes of contract execution. In such circumstances, the Department will, after acceptance and approval of the bid for contracting purposes, execute the contract and return a copy to the bidder.
- c) If the contract as bid requires additional execution by the bidder, the contract shall be executed by the successful bidder and returned, together with any required contract bond, within 15 days after the contract has been mailed to the bidder. Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for the cancellation of the award and the forfeiture of the proposal guaranty. If the contract is not executed by the Department within ~~30~~ 45 days following receipt from the bidder of the properly executed contract and bond, the bidder shall have the right to withdraw the bid without penalty.
- d) The CPO or the SPO will execute the contract to demonstrate approval of the procurement process.

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(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

SUBPART G: PROTESTS

Section 6.410 Subject of the Protest

- a) A protest may be filed regarding any phase of the solicitation process for a particular contract.
- b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
- c) Protest procedures of this Subpart G do not apply to issues of prequalification, lack of contractor responsibility, suspension or debarment.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section 6.610 Notice of Suspension

- a) Any contractor that the CPO ~~Department~~ proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.
- b) The notice will include the following:
 - 1) The cause for suspension on which the proposed suspension is based.
 - 2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.
 - 3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.
- c) A notice may be amended at any time.

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- d) If the CPOsecretary has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart IH.
- e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.
- f) For informational purposes, a copy of the written notice of suspension will be mailed to the Procurement Policy Board within 5five days after contractor notification.

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

SUBPART K: TARGET MARKET PROGRAM

Section 6.830 Target Market Remedial Actions

- a) Narrow Tailoring (See Northern Contracting, Inc. v. Illinois Department of Transportation, 473 F.3d 715 (7th Cir. 2007))
The procurement of contracts by the CPO to complete transportation construction projects undertaken by the Department is adversely affected by the presence of discrimination. In addition to goal-oriented remedial programs, target market remedial actions will be implemented to eliminate the effects of discrimination in the performance of transportation construction projects. The target market remedial measures selected to remedy egregious discrimination will be narrowly tailored to the evidence relied on to support the action. The selection will specify whether, and to what extent, the remedial measure is subject to geographic market areas and/or construction market areas based on the evidence. In addition, the selection will establish specific, definite duration limitations based on the evidence. Target market remedial measures may include, but are not limited to, the following actions selected on the basis of the evidence as the most narrowly appropriate to remedy the identified discrimination:
 - 1) Contract Formation Actions
 - A) The Department, in consultation with the CPO, may designate

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specific contract work as reserved for performance solely by minority-owned businesses, female-owned businesses or Disadvantaged Business Enterprises, as determined by the funding sources for the contract. This action removes some or all discretion from the bidding contractors or consultants as to the work to be performed by eligible minority, female or disadvantaged participants in the context of existing goal-oriented remedial programs. The contract and procurement documents will be drafted and advertised to require the contractor or consultant to make a good faith effort (see, e.g., 49 CFR 26.53) to have the identified reserved work performed by eligible minority, female or disadvantaged business participants.

- B) The Department, in consultation with the CPO, may implement contract formation and bidding procedures designed to encourage and facilitate bidding and offers by minority-owned, female-owned and disadvantaged businesses. This action includes, but is not limited to, dividing procurements into units conducive to eligible business participation, scheduling contract lettings at alternative locations conducive to eligible business participation, providing for bidding documentation and submission procedures conducive to eligible business participation and removal of bid bond requirements to induce eligible business participation. (See Section 2705-600(2) of the Law.)

2) Contract Goal Actions

The Department, in consultation with the CPO, may advertise contracts for award or selection with separate minority-owned and female-owned business participation goals in the context of existing goal-oriented remedial programs. This action may provide for either minority-owned or female-owned business utilization goals, or both, applicable to a particular contract or contracts.

3) Contract Incentive Actions

The Department, in consultation with the CPO, may establish ~~bid~~ incentives for achievement of minority-owned, female-owned or Disadvantaged Business Enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs. This

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action may provide for an incentive advertised as applicable to eligible bidders making the highest commitment to eligible business participation that would reduce the price bid for purposes of price comparison and determination of the lowest bid price for purposes of award.

4) Contract Set-Aside Actions

The Department, in consultation with the CPO, may advertise contracts for award or selection set-aside for minority-owned, female-owned or disadvantaged business enterprises exclusively. This action establishes a sheltered procurement process open only to eligible businesses determined to be responsible contractors in accordance with this Part.

b) Minimum Participation Availability

No contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract. The determination will be based on the DBE certifications and other attendant factors. (See Section 2705-600(3) of the Law.)

(Source: Amended at 37 Ill. Reg. 5764, effective April 19, 2013)

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) Section Number: 330.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) Effective Date of Amendments: April 16, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 37 Ill. Reg. 2533; March 1, 2013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No changes were made to this rulemaking after its publication in the March 1, 2013 *Illinois Register*.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Number</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
330.220	Amendment	37 Ill. Reg. 2597; March 8, 2013
- 15) Summary and purpose of rulemaking: This proposed rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's (NRC) 10 CFR 30.15

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regarding exemptions for smoke detectors. NRC assigned this rulemaking a compatibility category of B as identified in 72 Federal Register 58473, RATS ID # 2007-2 (effective date 12/17/07). This means that the Illinois rule has to have language essentially identical to NRC's because of transboundary considerations. The proposed amendment adds Section 330.40(c)(1)(F). This language was previously in Section 330.40(c)(3)(A); however, the language was determined to be too restrictive by the NRC and not compatible. Section 330.40(c)(3)(A) is being amended to expand the exemption to all approved gas and aerosol detectors not just smoke detectors per NRC.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 30. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

16) Information and questions regarding this rulemaking shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013.

SUBPART A: GENERAL PROVISIONS

Section 330.40 License Exemption – Radioactive Materials Other Than Source Material

a) Exempt Concentrations

- 1) Any person is exempt from this Part to the extent that ~~such~~ person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A provided they have been introduced or transferred as described in subsection (a)(2) or (3) of this Section. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.
- 2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) ~~of this Section~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14) or an Agreement State, except in accordance with a specific license issued pursuant to Section 330.280(a).
- 3) A manufacturer, processor or producer of a product or material is exempt from the requirements for a license set forth in this Part to the extent that

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~~such~~ person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Appendix A and introduced into the product or material by a licensee holding a specific license issued by the Agency expressly authorizing that introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

b) Exempt Quantities

- 1) Except as restricted by subsections (b)(2) through (4), ~~of this Section~~ any person is exempt from this Part to the extent that ~~such~~ person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Appendix B. Furthermore, any person is exempt from this Part to the extent that ~~such~~ person possesses, uses, transfers or owns radioactive material that was received or acquired before September 25, 1971, under the general license then provided by the regulations of the U.S. Atomic Energy Commission (10 CFR 31.4) or the equivalent regulations of an Agreement State.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.

- 2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
- 3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Appendix B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an

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Agreement State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Agency pursuant to Section 330.280(b), which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

- 4) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption in subsection (b)(1) ~~of this Section~~ so that the aggregate quantity exceeds the limits set forth in Appendix B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Part.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

- 1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into, the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he or she receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not

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exceeding the following specified radiation dose rate:

- i) 925 MBq (25 mCi) of tritium per timepiece;
 - ii) 185 MBq (5 mCi) of tritium per hand;
 - iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);
 - iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;
 - v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;
 - vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);
 - vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams/square centimeter of absorber: for wrist watches, 1 microGy (100 microrad)/hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad)/hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad)/hour at 10 centimeters from any surface; or
 - viii) 37 kBq (1 microCi) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.
- B) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part manufactured before December 17, 2007.
- C) Marine compasses containing not more than 27.8 GBq (750 mCi)

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of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas manufactured before December 17, 2007.

- D) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:
- i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;
 - ii) 37 kBq (1 microCi) of cobalt-60;
 - iii) 185 kBq (5 microCi) of nickel-63;
 - iv) 1.11 MBq (30 microCi) of krypton-85;
 - v) 185 kBq (5 microCi) of cesium-137; or
 - vi) 1.11 MBq (30 microCi) of promethium-147;

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 7 milligrams/square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(D), "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

- E) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:
- i) Each source contains no more than one exempt quantity set

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forth in Appendix B; and

- ii) Each instrument contains no more than ~~10~~^{ten} exempt quantities. For purposes of this requirement, an instrument's sources may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Appendix B, provided that the sum of ~~thesuch~~ fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(E) ~~of this Section~~, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

- F) Ionization chamber smoke detectors containing not more than 37 kBq (1 microCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.

2) Self-Luminous Products Containing Radioactive Material

- A) Tritium, Krypton-85 or Promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that ~~such~~ person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U.S. Nuclear Regulatory Commission shall make this determination of exemption.
- B) Radium-226. Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 that were acquired prior to May 1, 1974.

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3) Gas and Aerosol Detectors Containing Radioactive Material

- A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that ~~such~~ person receives, possesses, uses, transfers, owns or acquires ~~radioactive material in gas and aerosol detectors; ionization chamber smoke detectors containing not more than 37 kBq (1 microCi) of americium 241 per detector in the form of a foil and~~ designed to protect life ~~and~~ property from fires ~~and airborne hazards~~. The detectors shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 that authorizes transfer of the detectors to persons who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State or a former Licensing State shall be considered exempt under subsection (c)(3)(A) ~~of this Section~~, provided that the device is labeled in accordance with the specific license and provided further that it meets the requirements of 10 CFR 32.26 in effect at the time of distribution.

d) Exempt Material

- 1) Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium (sum of

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radium-226 and radium-228 concentrations) less than or equal to 200 pCi/g (dry weight basis) are exempt from the licensing requirements provided they comply with this subsection (d). Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium greater than 200 pCi/g (dry weight basis) are not exempt and shall comply with requirements in 32 Ill. Adm. Code 330.

- 2) The following individuals or entities producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium less than or equal to 200 pCi/g (dry weight basis) must register directly with the Agency:
 - A) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium occurring naturally from groundwater; and
 - B) Owners and operators of Illinois Environmental Protection Agency (IEPA) permitted landfills if the residuals or sludge is disposed of in those landfills; and
 - C) Applicators who apply to agricultural lands residuals or sludge resulting from the treatment of water or sewage containing radium occurring naturally from groundwater; and
 - D) Any other person or entity that the Agency determines is required to register under the provisions of the Radiation Protection Act.
- 3) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium in concentration less than or equal to 200 pCi/g (dry weight basis) occurring naturally from groundwater will be exempt from the licensure and fee requirements of the Radiation Protection Act.
- 4) Residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater may be disposed of in accordance with the following provisions and the requirements of

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IEPA and the regulations of the Illinois Pollution Control Board (Title 35 of the [Ill. Adm. Illinois Administrative Code](#); Subtitles C and G, and Part 391), as implemented by IEPA:

- A) If the level of radium in the residuals or sludge is less than or equal to 100 pCi/g (dry weight basis):
- i) the residuals or sludge may be disposed of in an IEPA permitted landfill provided:
 - the residuals or sludge are covered during transportation; and
 - the residuals or sludge that are easily dispersible must be packaged or stabilized to prevent dispersion during transportation and/or landfill placement; and
 - there is at least 10 feet of non-contaminated overburden between the residuals or sludge and grade level (at the time of landfill closure).
 - ii) the residuals or sludge may be used for soil conditioning purposes on agricultural crop land (e.g., corn, soybeans) provided:
 - that use is in accordance with 35 Ill. Adm. Code 309.208; and
 - the concentration of the radium in the residuals or sludge (dry weight basis) shall be determined by laboratory analysis; and
 - the level of radium in the residuals or sludge and the application rate is such that, after the residuals or sludge is mixed with soil (for agricultural use), the cumulative increase of the total radium-226 and radium-228 combined concentration in the soil does not exceed 1.0 pCi/g (dry weight basis, an addition of 1778 microCi/acre); and

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- this increased limit applies to the sum of all land applications of residuals or sludge on a specific parcel of land; and
- at no time shall the application of residuals or sludge result in the total radium concentration in the soil exceeding 3.0 pCi/g (the mean natural background as determined by the Agency of 2.0 pCi/g and the soil concentration increase limit of 1.0 pCi/g due to residuals or sludge application); and
- the landowner or an authorized agent of the landowner must acknowledge, on a form issued by the Agency, that he or she is aware that residuals or sludge containing radium is being applied to the land (this acknowledgement must be updated as landownership changes); and
- prior to using a parcel of land for the application of residuals or sludge containing radium for the first time, the generator must determine the total radium concentration in the soil using the soil sampling protocol specified below:
 - Soil sample collection shall be conducted so as to be representative of the entire sludge application site. Soil Plow Zone – one soil sample shall be collected per 8 acres of sludge application site area to a depth of 12 inches. Each soil sample shall be taken as a homogenous mixture composed of at least 10 samples randomly collected within the 8 acre area; or
 - Sampling protocols in compliance with the 24th edition of the Illinois Agronomy Handbook as published by the University of

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Illinois Extension Service (with sampling depth increased to 12 inches) (Pubs Plus, 1917 South Wright Street, Champaign IL 61820, 217/333-2007, PubsPlus@illinois.edu, 2009); and

- Testing protocol specified by the Agency; and

AGENCY NOTE: The Agency will develop and provide a guidance document on residuals and sludge sampling, acceptable analysis methods and Agency reporting requirements.

- lands used for the application must have a pH equal to or greater than 6.0, have a 6-inch soil layer with a minimum clay content of at least 18% within the top 5 feet and above bedrock and the groundwater level (as determined by the County Soil Survey Book), and a 6-inch layer with an organic content of at least 12 tons/acre within the top 5 feet and above bedrock and the groundwater level (as determined by site-specific testing); and
- lands receiving residuals or sludge containing radium shall not be used for the cultivation of tobacco; and
- when the cumulative increase of the radium concentration in the soil is determined by calculation to be 0.8 pCi/g or when the total radium in soil is calculated to be 2.8 pCi/g (based on initial testing and subsequent applications of residuals or sludge containing radium), the generator must repeat the soil sampling and analysis to determine the actual total radium concentration in the soil and report the findings to the Agency; and

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- when calculating the increase in radium concentration, a soil density value of 90 pounds/cubic foot and a mixing depth of 1 foot should be used.
- B) If the level of radium in the residuals or sludge is greater than 100 pCi/g (dry weight basis) and less than or equal to 200 pCi/g (dry weight basis):
- i) in accordance with 32 Ill. Adm. Code 340.1020, the method of disposal must be reviewed and approved by IEMA-DNS in advance; and
 - ii) the residuals or sludge may be disposed of in a licensed low-level radioactive waste disposal facility.
- 5) By June 1, 2011, all persons applying water treatment residuals or sewage treatment sludge containing radium to land in Illinois must sample fields currently being used for land application using a sampling and testing protocol specified by the Agency to determine the total radium concentration of the soil and report the findings to the Agency. Any field that has a total radium concentration greater than 3.0 pCi/g may no longer be used for the land application of water treatment residuals or sewage treatment sludge containing radium.
- 6) On an annual basis, each person producing water treatment residuals or sewage treatment sludge containing radium must report, in a manner specified by the Agency, the following:
- A) Persons who dispose of water treatment residuals or sewage treatment sludge containing radium in a landfill must report:
- i) the quantity of residuals or sludge containing radium; and
 - ii) the concentration of radium (in pCi/g (dry weight basis)) contained in the residuals or sludge; and
 - iii) the date the residuals or sludge were disposed of in a landfill; and

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- iv) the name and location of the landfill receiving these residuals or sludge; and
 - v) any additional information deemed appropriate by the Agency.
- B) Persons who land apply water treatment residuals or sewage treatment sludge containing radium must report:
- i) the identification, location and background radium concentrations, as determined prior to use for land application, of the field receiving the land application of residuals or sludge containing radium; and
 - ii) the concentration of radium in pCi/g (dry weight basis) in the residuals or sludge; and
 - iii) the application rate in dry tons/acre; and
 - iv) the date of the land application; and
 - v) any additional information deemed appropriate by the Agency.
- 7) All analysis of residuals or sludge must be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the National Environmental Laboratory Accreditation Conference (NELAC) to perform radiological analysis, and concentration of radium will be determined by a method approved by the Agency.
- 8) Owners and operators of facilities that produce residuals or sludge that is land applied or disposed of in a landfill are not subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4 and 13] and are not subject to the reporting requirements of Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill. Adm. Code 609) and Registration of Low-Level Radioactive Waste Generators (32 Ill. Adm. Code 620).

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- 9) Owners and operators of facilities that produce residuals or sludge that is disposed of in a licensed low-level radioactive waste disposal facility are subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act and are subject to the reporting requirements of 32 Ill. Adm. Code 609 and 620.

(Source: Amended at 37 Ill. Reg. 5789, effective April 16, 2013)

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- 1) Heading of the Part: Lending Limits
- 2) Code Citation: 38 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
330.10	Amendment
330.200	New Section
330.210	New Section
330.220	New Section
330.230	New Section
- 4) Statutory Authority: Implementing Section 32 and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/32 and 48(6)] and Section 6013 and Section 9002 of the Savings Bank Act [205 ILCS 205/6013 and 9002]
- 5) Effective Date of Rulemaking: April 22, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, CFR citations.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 17671; December 21, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 330.200, in the definition of "Credit Derivative", on the 3rd line, following "(reference exposure" added ", e.g., currency interest or equities exposure", as requested by JCAR.

Section 330.200, in the definition of "Eligible Protection Provider, in the 8th indented paragraph changed "(15 USC 78(o))" to "(15 USC 78o)". In the 9th indented paragraph changed "State" to "state".

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Section 330.200, in the definition of "Extensions of Credit", changed "Extensions" to "Extension"; following "the" added "same" and after "meaning" added "as" and following "ascribed" added "to Letter of Credit".

Section 330.210(b) was reformatted by JCAR.

Section 330.230 subsection labels were corrected and a CFR citation was corrected in subsection (b)(3)(B).

Section 330.230(b)(1), on the 3rd line, following "non-credit derivative exposure" added "(e.g., a contract regarding performance at a point in time unrelated to specific credit risk, such as, but not limited to, interest rates or future delivery, such as forwards, futures, options, caps or floors)" as requested by JCAR.

Section 330.230(b)(1), at the end of the "Conversion factor Matrix Method", after "following table" added ", which is based on the following formula: Credit exposure = (notional amount) x (conversion factor)", at JCAR's request.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These proposed amendment will authorize state chartered banks and state chartered savings banks to engage in derivative transactions and complies with Section 611 of the Dodd-Frank Act [12 USC 1828(y)] which prohibits state chartered banks from engaging in derivative transactions after January 21, 2013, unless otherwise authorized by the law of the State where the bank is chartered.

The Department has also taken this opportunity to make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Banking.

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

Department of Financial and Professional Regulation

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

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

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

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION OFFICE OF BANKS AND REAL ESTATEPART 330
LENDING LIMITS

SUBPART A: GENERAL LENDING PROVISIONS

Section	
330.10	Definitions
330.20	Renewals of Loans or Extensions of Credit

SUBPART B: AGGREGATION OF LOANS

Section	
330.100	Purpose
330.110	Combining Loans to Separate Persons
330.120	Good Faith Reliance

SUBPART C: DERIVATIVE TRANSACTIONS

<u>Section</u>	
<u>330.200</u>	<u>Definitions</u>
<u>330.210</u>	<u>Lending Limits; Derivatives</u>
<u>330.220</u>	<u>Nonconforming Loans and Extensions of Credit</u>
<u>330.230</u>	<u>Credit Exposure Arising from Derivative Transactions</u>

AUTHORITY: Implementing Section 32 and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/32 and 48(6)] and Section 6013 and Section 9002 of the Savings Bank Act [205 ILCS 205/6013 and 9002].

SOURCE: Adopted at 12 Ill. Reg. 7991, effective April 25, 1988; amended at 12 Ill. Reg. 17280, effective October 12, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 37 Ill. Reg. 5807, effective April 22, 2013.

SUBPART A: GENERAL LENDING PROVISIONS

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Section 330.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

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

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

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

"Loan or Extension of Credit" ~~"loan or extension of credit"~~ means any direct or indirect advance of funds ~~that~~which results in a liability of any person for money borrowed or otherwise. An indirect advance of funds shall include, but not be limited to, a purchase by a bank of a note or obligation from another person.

"Person" ~~person~~ shall have the meaning ascribed to it in Section 2 of the ~~Illinois Banking Act~~ [205 ILCS 5/2].

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

(Source: Amended at 37 Ill. Reg. 5807, effective April 22, 2013)

SUBPART C: DERIVATIVE TRANSACTIONS**Section 330.200 Definitions**

For purposes of this Subpart, the following definitions apply:

"Appropriate Federal Banking Agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Borrower" means a person who is named as a borrower or debtor in a loan or extension of credit; a person to whom a state bank has credit exposure arising from a derivative transaction entered by the bank or any other person, including a

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drawer, endorser or guarantor, who is deemed to be a borrower under Section 32 of the Act, Section 6013 of the Savings Bank Act [205 ILCS 205], or this Part.

"Contractual Commitment to Advance Funds" includes a bank's obligation to:

Make payment (directly or indirectly) to a third person contingent upon default by a customer of the bank in performing an obligation and to make the payment in keeping with the agreed upon terms of the customer's contract with the third person, or to make payments upon some other stated condition;

Guarantee or act as surety for the benefit of a person;

Advance funds under a qualifying commitment to lend; and

Advance funds under a standby letter of credit, a put or other similar arrangement.

The term does not include commercial letters of credit and similar instruments when the issuing bank expects the beneficiary to draw on the issuer, that do not guarantee payment, and that do not provide for payment in the event of a default by a third party.

"Credit Derivative" means a financial contract executed under standard industry credit derivative documentation that allows one party (the protection purchaser) to transfer the credit risk of one or more exposures (reference exposure, e.g., currency interest or equities exposure) to another party (the protection provider).

"Derivative Transaction" includes any transaction that is a contract, agreement, swap, warrant, note or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices or other assets.

"Effective Margining Arrangement" means a master legal agreement governing derivative transactions between a bank or savings association and a counterparty that requires the counterparty to post, on a daily basis, the variation margin to fully collateralize that amount of the bank's net credit exposure to the counterparty

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that exceeds \$1,000,000 created by the derivative transactions covered by the agreement.

"Eligible Credit Derivative" means a single-name credit derivative or a standard, non-tranched index credit derivative provided that:

The derivative contract meets the requirements of an eligible guarantee, as defined in Section 32 of the Act, Section 6013 of the Savings Bank Act, or this Part and has been confirmed by the protection purchaser and the protection provider;

Any assignment of the derivative contract has been confirmed by all relevant parties;

If the credit derivative is a credit default swap, the derivative contract includes the following credit events:

Failure to pay any amount due under the terms of the reference exposure, subject to any applicable minimal payment threshold that is consistent with standard market practice and with a grace period that is closely in line with the grace period of the reference exposure; and

Bankruptcy, insolvency or inability of the obligor on the reference exposure to pay its debts, or its failure or admission in writing of its inability generally to pay its debts as they become due, and similar events;

The terms and conditions dictating the manner in which the derivative contract is to be settled are incorporated into the contract;

If the derivative contract allows for cash settlement, the contract incorporates a robust valuation process to estimate loss with respect to the derivative reliably and specifies a reasonable period for obtaining post-credit event valuations of the reference exposure;

If the derivative contract requires the protection purchaser to transfer an exposure to the protection provider at settlement, the terms of at least one of the exposures that is permitted to be transferred under the contract

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provides that any required consent to transfer may not be unreasonably withheld; and

If the credit derivative is a credit default swap, the derivative contract clearly identifies the parties responsible for determining whether a credit event has occurred, specifies that this determination is not the sole responsibility of the protection provider, and gives the protection purchaser the right to notify the protection provider of the occurrence of a credit event.

"Eligible Guarantee" means a guarantee that:

Is written and unconditional;

Covers all, or a pro rata portion of, all contractual payments of the obligor on the reference exposure;

Gives the beneficiary a direct claim against the protection provider;

Is not unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary;

Is legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced;

Requires the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligor on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment;

Does not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure; and

Is not provided by an affiliate of the bank, unless the affiliate is an insured depository institution, bank, securities broker or dealer, or insurance company that:

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Does not control the bank; and

Is subject to consolidated supervision and regulation comparable to that imposed on U.S. depository institutions, securities broker-dealers, or insurance companies (as the case may be).

"Eligible Protection Provider" means:

A sovereign entity (a central government, including the U.S. government, an agency, department, ministry or central bank);

The Bank for International Settlements, the International Monetary Fund, the European Central Bank, the European Commission or a multilateral development bank;

A Federal Home Loan Bank;

The Federal Agricultural Mortgage Corporation;

A depository institution, as defined in Section 3 of the Federal Deposit Insurance Act (12 USC 1813(c));

A federal bank holding company, as defined in Section 2 of the Bank Holding Company Act, as amended (12 USC 1841);

A savings and loan holding company, as defined in Section 10 of the federal Home Owners' Loan Act (12 USC 1467a);

A securities broker or dealer registered with the SEC under the Securities Exchange Act of 1934 (15 USC 78o);

An insurance company that is subject to the supervision of a state insurance regulator;

A foreign banking organization;

A non-US-based securities firm or a non-US-based insurance company that is subject to consolidated supervision and regulation comparable to

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that imposed on U.S. depository institutions, securities broker-dealers, or insurance companies; and

A qualifying central counterparty.

"Extension of Credit" shall have the same meaning as ascribed to Letter of Credit in Section 5-102 of Uniform Commercial Code [810 ILCS 5/5-102] and any credit exposure, as determined pursuant to Section 330.230, arising from a derivative transaction.

Loans or extensions of credit, for purposes of this Part, include a contractual commitment to advance funds.

The following items do not constitute loans or extensions of credit for purposes of Section 32 of the Act, Section 6013 of the Savings Bank Act, or this Part:

Additional funds advanced for the benefit of a borrower by a bank for payment of taxes, insurance, utilities, security and maintenance and operating expenses necessary to preserve the value of real property securing the loan, consistent with safe and sound banking practices, but only if the advance is for the protection of the bank's interest in the collateral, and provided that the amounts must be treated as an extension of credit if a new loan or extension of credit is made to the borrower;

Accrued and discounted interest on an existing loan or extension of credit, including interest that has been capitalized from prior notes and interest that has been advanced under terms and conditions of a loan agreement;

Financed sales of a bank's own assets, including other real estate owned, if the financing does not put the bank in a worse position than when the bank held title to the assets;

Amounts paid against uncollected funds in the normal process of collection; and

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That portion of a loan or extension of credit sold as a participation by a bank on a nonrecourse basis, provided that the participation results in a pro rata sharing of credit risk proportionate to the respective interests of the originating and participating lenders. When a participation agreement provides that repayment must be applied first to the portions sold, a pro rata sharing will be deemed to exist only if the agreement also provides that, in the event of a default or comparable event defined in the agreement, participants must share in all subsequent repayments and collections in proportion to their percentage participation at the time of the occurrence of the event.

When an originating bank funds the entire loan, it must receive funding from the participants before the close of business of its next business day. If the participating portions are not received within that period, then the portions funded will be treated as a loan by the originating bank to the borrower. If the portions so attributed to the borrower exceed the originating bank's lending limit, the loan may be treated as nonconforming, rather than a violation of Section 32 of the Act or Section 6013 of the Savings Bank Act, as applicable, if:

The originating bank had a valid and unconditional participation agreement with a participant or participants that was sufficient to reduce the loan to within the originating bank's lending limit;

The participant reconfirmed its participation and the originating bank had no knowledge of any information that would permit the participant to withhold its participation; and

The participation was to be funded by close of business of the originating bank's next business day.

"Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch.

"Qualifying Master Netting Agreement" means any written, legally enforceable, bilateral agreement, provided that:

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The agreement creates a single legal obligation for all individual transactions covered by the agreement upon an event of default, including bankruptcy, insolvency or similar proceeding, of the counterparty;

The agreement provides the bank the right to accelerate, terminate and close-out on a net basis all transactions under the agreement and to liquidate or set off collateral promptly upon an event of default, including upon an event of bankruptcy, insolvency or similar proceeding, of the counterparty, provided that, in any such case, any exercise of rights under the agreement will not be stayed or avoided under applicable law in the relevant jurisdictions;

The bank has conducted sufficient legal review to conclude with a well-founded basis, and maintains sufficient written documentation of that legal review, that:

The agreement meets the requirements of this definition; and

In the event of a legal challenge, including one resulting from default or from bankruptcy, insolvency or similar proceeding, the relevant court and administrative authorities would find the agreement to be legal, valid, binding and enforceable under the law of the relevant jurisdictions;

The bank establishes and maintains procedures to monitor possible changes in relevant law and to ensure that the agreement continues to satisfy the requirements of this definition; and

The agreement does not contain a walk-away clause (that is, a provision that permits a non-defaulting counterparty to make a lower payment than it would make otherwise under the agreement, or no payment at all, to a defaulter or the estate of a defaulter, even if the defaulter or the estate of the defaulter is a net creditor under the agreement).

"State Bank" or "Bank" means a bank that has a banking charter issued under the Act, or a savings bank that has a charter issued under Section 1001 of the Savings Bank Act.

(Source: Added at 37 Ill. Reg. 5807, effective April 22, 2013)

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Section 330.210 Lending Limits; Derivatives

For purposes of Section 32 of the Act and Section 6013 of the Savings Bank Act, derivative transactions shall be included in the calculation of lending limits.

- a) The calculation of derivatives as applied to lending limits for purposes of Section 32 of the Act and Section 6013 of the Savings Bank Act shall be determined pursuant to Section 330.230.
- b) Intraday credit exposures arising from a derivative transaction are not subject to the lending limits of Section 32 of the Act and Section 6013 of the Savings Bank Act, as applicable, or this Part.

(Source: Added at 37 Ill. Reg. 5807, effective April 22, 2013)

Section 330.220 Nonconforming Loans and Extensions of Credit

- a) A loan or extension of credit, within a state bank's legal lending limit when made, will not be deemed a violation but will be treated as nonconforming if the loan or extension of credit is no longer in conformity with the state bank's lending limit because:
 - 1) The bank's capital has declined, borrowers have subsequently merged or formed a common enterprise, lenders have merged, or the lending limit or capital rules have changed;
 - 2) Collateral securing the loan to satisfy the requirements of a lending limit exception as defined in Sections 32, 33 and 35 of the Act, or in Sections 6003 or 6013 of the Savings Bank Act, as applicable, has declined in value.
- b) A state bank must use reasonable efforts to bring a loan or extension of credit that is nonconforming as a result of subsection (a)(1) into conformity with the bank's lending limit unless to do so would be inconsistent with safe and sound banking practices.
- c) A state bank must bring a loan that is nonconforming as a result of circumstances described in subsection (a)(2) into conformity with the bank's lending limit within

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30 calendar days, except when judicial proceedings, regulatory actions or other extraordinary circumstances beyond the bank's control prevent it from taking action.

(Source: Added at 37 Ill. Reg. 5807, effective April 22, 2013)

Section 330.230 Credit Exposure Arising from Derivative Transactions

a) Scope. This Section sets forth the standards for calculating the credit exposure arising from a derivative transaction entered into by a state bank for purposes of determining the bank's lending limit pursuant to Section 32 of the Act, Section 6013 of the Savings Bank Act or, as applicable, this Part.

b) Derivative Transactions

1) Non-Credit Derivatives

Subject to subsections (b)(2) and (b)(3), a state bank shall calculate the non-credit derivative exposure (e.g., a contract regarding performance at a point in time unrelated to specific credit risk, such as, but not limited to, interest rates or future delivery, such as forwards, futures, options, caps or floors) to a counterparty arising from a derivative transaction by one of the methods described in this subsection (b)(1). Subject to subsection (b)(3), a state bank shall use the same method for calculating counterparty credit exposure arising from all of its derivative transactions.

Conversion Factor Matrix Method

The credit exposure arising from a derivative transaction under the Conversion Factor Matrix Method shall equal and remain fixed at the potential future credit exposure of the derivative transaction as determined at the execution of the transaction by reference to the following table, which is based on the following formula:

Credit exposure = (notional amount) x (conversion factor)

CONVERSION FACTOR MATRIX FOR CALCULATING POTENTIAL FUTURE CREDIT EXPOSURE*

<u>Original Maturity**</u>	<u>Interest Rate</u>	<u>Foreign Exchange Rate and Gold</u>	<u>Equity</u>	<u>Other*** (includes commodities and precious metals except gold)</u>
<u>1 year or less</u>	<u>.015</u>	<u>.015</u>	<u>.20</u>	<u>.06</u>

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<u>Over 1 to 3 years</u>	<u>.03</u>	<u>.03</u>	<u>.20</u>	<u>.18</u>
<u>Over 3 to 5 years</u>	<u>.06</u>	<u>.06</u>	<u>.20</u>	<u>.30</u>
<u>Over 5 to 10 years</u>	<u>.12</u>	<u>.12</u>	<u>.20</u>	<u>.60</u>
<u>Over 10 years</u>	<u>.30</u>	<u>.30</u>	<u>.20</u>	<u>1.00</u>

2) Credit Derivatives

- A) A state bank shall calculate the counterparty credit exposure arising from credit derivatives entered by the bank or savings association by adding the net notional value of all protection purchased from the counterparty on each reference entity.
- B) A state bank shall calculate the credit exposure to a reference entity arising from credit derivatives entered by the bank by adding the notional value of all protection sold on the reference entity. However, the bank may reduce its exposure to a reference entity by the amount of any eligible credit derivative purchased on that reference entity from an eligible protection provider.

3) Mandatory Use of a Certain Method

- A) Upon request by a state bank, the Department may allow a state bank to use any method the Department deems appropriate to calculate the credit exposure of derivative transactions if the Department finds that the method is necessary to promote the safety and soundness of the bank.
- B) A state bank may elect to determine credit exposure on the basis of such other method of determining credit exposure as may be permitted by 12 CFR 32.9 (June 12, 2012) for national banks by the Office of the Comptroller of Currency.

* For an OTC derivative contract with multiple exchanges of principal, the conversion factor is multiplied by the number of remaining payments in the derivative contract.

** For an OTC derivative contract that is structured so that, on specified dates, any outstanding exposure is settled and the terms are reset so that the market value of the contract is zero, the remaining maturity equals the time until the next reset date. For an interest rate derivative

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contract with a remaining maturity of greater than one year that meets these criteria, the minimum conversion factor is 0.005.

*** Transactions not explicitly covered by any other column in the Table are to be treated as "Other".

(Source: Added at 37 Ill. Reg. 5807, effective April 22, 2013)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3020 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 5/1501(a)(20)
- 5) Effective Date of Rulemaking: April 19, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Revenue's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 18149; December 28, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Several non-substantive grammatical corrections were made and in Section 100.2030(h) changed 574 to 571. These changes were made in agreement with JCAR.

In Section 100.3020(g)(1) in the first sentence after "all cases to" added "establish residency or nonresidency or to" and after "presumption of residence" struck "or nonresidence". These changes were made based upon comments received during the First Notice period.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

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15) Summary and Purpose of Rulemaking: This rulemaking amends the regulation providing guidance on determining whether or not an individual is a resident of Illinois to address issues that have arisen in recent years.

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

Paul Caselton
Deputy General Counsel – Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

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

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NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

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OCCURRING PRIOR TO DECEMBER 31, 1986

Section

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

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

Section

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

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- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

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

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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Section

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

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

Section

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

SUBPART J: COMPENSATION

Section

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)

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- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3373 Sales Factor for Publishing
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

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

SUBPART O: COMPOSITE RETURNS

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100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section

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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

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100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)

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100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

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100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
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100.7200	Reports for Employee (IITA Section 703)

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

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

SUBPART U: ESTIMATED TAX PAYMENTS

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- 100.8000 Payment of Estimated Tax (IITA Section 803)
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Section

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

SUBPART W: NOTICE AND DEMAND

Section

- 100.9100 Notice and Demand (IITA Section 902)

SUBPART X: ASSESSMENT

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

SUBPART Y: DEFICIENCIES AND OVERPAYMENTS

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- 100.9300 Deficiencies and Overpayments (IITA Section 904)
- 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
- 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
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- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART AA: INVESTIGATIONS AND HEARINGS

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

SUBPART BB: JUDICIAL REVIEW

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100.9600	Administrative Review Law (IITA Section 1201)
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100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
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SUBPART DD: LETTER RULING PROCEDURES

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100.9800	Letter Ruling Procedures
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SUBPART EE: MISCELLANEOUS

Section

100.9900	Tax Shelter Voluntary Compliance Program
100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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

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SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a

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maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013.

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

Section 100.3020 Resident (IITA Section 301)

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- a) General definition. The term "resident" is defined in IITA Section 1501(a)(20) to mean:
- 1) an individual who is in Illinois for other than a temporary or transitory purpose during the taxable year or who is domiciled in Illinois but is absent from Illinois for a temporary or transitory purpose during the taxable year;
 - 2) the estate of a decedent who, at his or her death, was domiciled in Illinois;
 - 3) a trust created by the will of a decedent who, at his or her death, was domiciled in Illinois; and
 - 4) an irrevocable trust, the grantor of which was domiciled in Illinois at the time ~~the~~such trust became irrevocable. For the purpose of this subsection (a)(4) subparagraph, a trust is considered irrevocable to the extent that the grantor is not treated as the owner of the trust~~thereof~~ under 26 USC 671 through 678.
- b) Individuals. The purpose of the general definition is to include in the category of individuals who are taxable on their entire net income, regardless of whether derived from sources within or without Illinois, and all individuals who are physically present in Illinois enjoying the benefit of its government, except those individuals who are here temporarily, and to exclude from this category, all individuals, who, although domiciled in Illinois, are outside Illinois for other than temporary and transitory purposes, and, hence, do not obtain the benefit of Illinois government. If an individual acquires the status of a resident by virtue of being physically present in Illinois for other than temporary or transitory purposes, he or she remains a resident even though temporarily absent from Illinois. If, however, he or she leaves Illinois for other than temporary or transitory purposes, he or she~~thereupon~~ ceases to be a resident. If an individual is domiciled in Illinois, he or she remains a resident unless he or she is outside Illinois for other than temporary or transitory purposes.
- c) Temporary or transitory purposes. Whether or not the purpose for which an individual is in Illinois will be considered temporary or transitory in character will depend upon the facts and circumstances of each particular case. It can be stated generally, however, that if an individual is simply passing through Illinois on his or her way to another state, or is here for a brief rest or vacation, or to complete a

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particular transaction, ~~or~~ perform a particular contract, or fulfill a particular engagement ~~that, which~~ will require his or her presence in Illinois for but a short period, he or she is in Illinois for temporary or transitory purposes, and will not be a resident by virtue of his or her presence here. If, however, an individual is in Illinois to improve his or her health and his or her illness is of such a character as to require a relatively long or indefinite period to recuperate, or he or she is here for business purposes ~~that, which~~ will require a long or indefinite period to accomplish, or is employed in a position that may last permanently or indefinitely, or has retired from business and moved to Illinois with no definite intention of leaving shortly thereafter, he or she is in Illinois for other than temporary or transitory purposes, and, accordingly, is a resident taxable upon his or her entire net income even though he or she may also maintain an abode in some other state.

- 1) ~~EXAMPLE~~Example 1. X is domiciled in Fairbanks, Alaska, where he had lived for 50 years and had accumulated a large fortune. For medical reasons, X moves to Illinois where he now spends his entire time, except for yearly summer trips of about three or four months duration to Fairbanks. X maintains an abode in Illinois and still maintains, and occupies on visits there, his old abode in Fairbanks. Notwithstanding his abode in Fairbanks, because his yearly sojourn in Illinois is not temporary or transitory, he is a resident of Illinois, and is taxable on his entire net income.

AGENCY NOTE: If, in the foregoing example, the facts are reversed so that Illinois is the state of original domicile and Alaska is the state in which the person is present for the indicated periods and purposes, X is not a resident of Illinois within the meaning of the law, because he is absent from Illinois for other than temporary or transitory purposes.

- 2) ~~EXAMPLE~~Example 2. Until the summer of 1969, Y admitted domicile in Illinois. At that time, however, to avoid the Illinois income tax, Y declared himself to be domiciled in Nevada, where he had a summer home. Y moved his bank accounts to banks in Nevada, and each year thereafter spent about three or four months in Nevada. He continued to spend six or seven months of each year at his estate in Illinois, which he continued to maintain, and continued his social club and business connections in Illinois. The months not spent in Nevada or Illinois he spent traveling in other states. Y is a resident of Illinois and is taxable on his entire net income, for his sojourns in Illinois are not for temporary or transitory

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purposes.

AGENCY NOTE: If, in the foregoing example, the facts are reversed so that Nevada is the state of his original domicile, and the state in which the person is present for the indicated periods and purposes, Y is not a resident of Illinois within the meaning of the law because he is absent from Illinois for other than temporary or transitory purposes.

- 3) ~~EXAMPLE~~Example 3. B and C, husband and wife, domiciled in Minnesota where they maintain their family home, come to Illinois each November and stay here until the middle of March. Originally they rented an apartment or house for the duration of their stay here but three years ago they purchased a house here. The house is either rented or put in the charge of a caretaker from March to November. B has retired from active control of his Minnesota business but still keeps office space and nominal authority in it. He belongs to clubs in Minnesota, but to none in Illinois. He has no business interests in Illinois. C has little social life in Illinois, more in Minnesota, and has no relatives in Illinois. Neither B nor C is a resident of Illinois. The connection of each to Minnesota, the state of domicile, in each year is closer than it is to Illinois. Their presence here is for temporary or transitory purposes.

AGENCY NOTE: If, in the foregoing example, the facts are reversed so that Illinois is the state of domicile and B and C are visitors to Minnesota, B and C are residents of Illinois.

- d) Domicile. Domicile has been defined as the place where an individual has his or her true, fixed, permanent home and principal establishment, the place to which he or she intends to return whenever ~~he is~~ absent. It is the place in which an individual has voluntarily fixed the habitation of himself or herself and family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to induce adoption of him to adopt some other permanent home. Another definition of "domicile" consistent with ~~this~~the above is the place where an individual has fixed his or her habitation and has a permanent residence without any present intention of permanently ~~moving~~removing therefrom. An individual can at any one time have but one domicile. If an individual has acquired a domicile at one place, he or she retains that domicile until he or she acquires another elsewhere. Thus, if an individual, who has acquired a domicile in California, for example, comes to

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Illinois for a rest or vacation or on business or for some other purpose, but intends either to return to California or to go elsewhere as soon as his or her purpose in Illinois is achieved, he or she retains ~~his~~ domicile in California and does not acquire ~~a~~ domicile in Illinois. Likewise, an individual who is domiciled in Illinois and ~~who~~ leaves the ~~State~~ retains ~~his~~ Illinois domicile as long as he or she has the definite intention of returning to Illinois. On the other hand, an individual, domiciled in California, who comes to Illinois with the intention of remaining indefinitely and with no fixed intention of returning to California loses his or her California domicile and acquires ~~an~~ Illinois domicile the moment he or she enters the ~~State~~. Similarly, an individual domiciled in Illinois loses ~~his~~ Illinois domicile:

- 1) by locating elsewhere with the intention of establishing the new location as his or her domicile; and
 - 2) by abandoning any intention of returning to Illinois.
- e) Minors. The domicile of a minor is ordinarily the same as the domicile of his or her parents or guardians. If the father is deceased, the domicile of a minor is ordinarily the same as the domicile of ~~the~~his mother and vice versa. In either case, if the minor's parents are divorced, the domicile of the minor is the same as the domicile of the parent having custody.
- f) Presumption of residence. The following create rebuttable presumptions of residence. These presumptions are not conclusive and may be overcome by clear and convincing evidence to the contrary. If an individual spends in the aggregate more than nine months of any taxable year in Illinois it will be presumed that he is a resident of Illinois. An individual who is absent from Illinois for one year or more will be presumed to be a nonresident of Illinois. These presumptions are not conclusive, and may be overcome by other satisfactory evidence to the contrary.
- 1) An individual receiving a homestead exemption (see 35 ILCS 200/15-175) for Illinois property is presumed to be a resident of Illinois.
 - 2) An individual who is an Illinois resident in one year is presumed to be a resident in the following year if he or she is present in Illinois more days than he or she is present in any other state.
- g) Proof of residence or nonresidence

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- 1) The type and amount of proof that will be required in all cases to establish residency or nonresidency or to rebut or overcome a presumption of residence ~~or nonresidence~~ cannot be specified by a general regulation, but will depend largely on the circumstances of each particular case. The taxpayer may submit any relevant evidence to the Department for its consideration. ~~The~~Such evidence may include, but is not limited to, affidavits and; evidence of: location of spouse and dependents; voter registration; automobile registration or driver's~~drivers~~ license; ~~registration~~; filing an income tax return as a resident of another state; home ownership or rental agreements; the permanent or temporary nature of work assignments in a state; location of professional licenses; location of medical professionals, other healthcare providers, accountants and attorneys; club and/or organizational memberships and participation; and telephone and/or other utility usage over a duration of time. In appropriate instances, the Department may request any relevant evidence ~~that~~which may assist it in determining the taxpayer's place of residence.
- 2) The location of any corporation, foundation, organization or institution that is exempt from taxation under IRC section 503(c)(3) to which the taxpayer makes financial contributions, gifts, bequests, donations or pledges in any amount qualifying for a deduction as an IRC section 170(a) charitable contribution or as an IRC section 2055(a) bequest, legacy, devise or transfer is not evidence used to establish domicile or nondomicile, or residence or nonresidence, in any state.
- 32) If an individual is presumed under this Section to be a resident for any taxable year, he or she should file a return for that year even though he or she believes he or she was a nonresident who, as such, would not incur an Illinois income tax liability because he or she would have no income allocable or apportionable to Illinois. ~~The~~Such~~a~~ return will enable the individual to avoid the possible imposition of penalties for failure to file under IITA Section 1001 should it later be determined that he or she was a resident for the taxable year. The return should be marked as a nonresident return, though Schedule NR is not required. The return should exhibit the computation of net income as though the individual were a resident. The line on the return provided for entering the tax liability should have the following notation: "No liability – nonresident-"; The return should be accompanied by a signed statement indicating which presumption of

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residence the individual was subject to and setting forth in detail the reasons why the individual believes he or she was a nonresident for the taxable year. The return should also be accompanied by any evidence, such as certificates or affidavits, that the individual is able to obtain showing that he or she was a nonresident for the taxable year. If the Department is not satisfied that the individual was a nonresident, it will so inform the individual and provide him or her with an opportunity to submit additional information supporting his or her contention. If the individual fails to submit additional information, or if the additional information submitted does not, when considered with the information appended to the return, overcome the presumption that the individual was a resident for the taxable year, the Department will issue a notice of deficiency asserting a liability against the individual on the following basis:

- A) that the individual is a resident for the taxable year;³ and
- B) that the individual's net income for the taxable year is:
 - i) the amount reflected, with appropriate mathematical error adjustments under IITA Section 903(a)(1), on the return filed by the individual under this subsection (g)(~~32~~)(B)(i); or
 - ii) whatever other amount the Department has determined by an examination under IITA Section 904.

43) An individual who, for any taxable year, believes himself or herself to be a nonresident, but who is presumed to be a resident under this Section, may file his return (including a Schedule NR) as a nonresident if, as a nonresident, he or she incurs an Illinois income tax liability due to income allocated or apportioned to Illinois as a nonresident. However, the return should be accompanied by a signed statement indicating which presumption of residence the individual is subject to and setting forth in detail the reasons why the individual believes he or she was a nonresident for the taxable year. The return should also be accompanied by any evidence, such as certificates or affidavits, that the individual is able to obtain showing that he or she was a nonresident for the taxable year. If the Department is not satisfied that the individual was a nonresident, it will so

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inform the individual and provide him or her with an opportunity to submit additional information supporting his or her contention. If the individual fails to submit additional information, or if the additional information submitted does not, when considered with the information appended to the return, overcome the presumption that the individual was a resident for the taxable year, the Department will issue a notice of deficiency asserting a liability against the individual on the following basis:

- A) that the individual was a resident for the taxable year;
- B) that the individual's net income for the taxable year is:
 - i) his or her entire base income, as reflected on ~~the~~his return with appropriate mathematical error adjustments under IITA Section 903(a)(1), less the appropriate standard exemption prescribed by IITA Section 204; or
 - ii) his or her entire base income, as determined by the Department in an examination under IITA Section 904, less the appropriate standard exemption prescribed by IITA Section 204.
- h) Military personnel. Under 50 USC App. ~~571574~~, members of the U.S. Armed Forces (and commissioned officers of the U.S. Public Health Service) will not cease to be domiciled in Illinois solely by reason of their assignment to duty in other states for long periods. ~~Domiciliaries; domiciliaries~~ of other states will not become Illinois residents under the Act solely by reason of their presence in Illinois under military orders.
- i) Resident: Legal Definition: Usage. The term "resident" is defined differently for different purposes. For example, an individual may be a "resident" for Illinois income tax purposes but not a "resident" eligible to vote (~~see IITAef~~ Section 15-1501(a)(20) ~~of the IITA~~ with Sections 3-1 through 3-4 of the Election Code [10 ILCS 5/3-1 through 3-4]). Similarly, a person may be a resident of Illinois for Illinois income tax purposes; and also a resident of another state for purposes of that state's income tax law (~~see IITAef~~ Section 15-1501(a)(20) ~~of the IITA~~ with Ky. Rev. Stat. Ann. Section 141.010(17) ~~Wis. Stats., ch. 71, sec. 71.01(1)~~).

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(Source: Amended at 37 Ill. Reg. 5823, effective April 19, 2013)

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- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1001.441	Amendment
1001.442	Amendment
1001.443	Amendment
1001.444	Amendment
- 4) Statutory Authority: Illinois Vehicle Code [625 ILCS 5/6-206.1(g)]
- 5) Effective Date of Amendments: April 19, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the *Illinois Register*: January 25, 2013; 37 Ill. Reg. 720
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: Updates the Part to set out violations and penalties for use of a device to prevent the BAIID from working properly, or failing to allow the BAIID to take a clear and accurate photograph of the permittee blowing into the mouthpiece. Updates BAIID requirements for providers of device to include photograph capabilities, standards, storage and accessibility of images taken by the BAIID.

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

Brenda Glahn
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756
or
bglahn@ilsos.net

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

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers – Original Documents Required
1001.100	Conduct of Formal Hearings
1001.110	Orders; Notification; Time Limits on Obtaining Relief
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

Section

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1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	
1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Providers Qualification Procedures and Responsibilities; Certification of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's Responsibilities; Disqualification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section	
1001.500	Applicability
1001.510	Definitions

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- 1001.520 Procedure
- 1001.530 Conduct of Medical Formal Hearings
- 1001.540 Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT
HEARINGS; RESTRICTED DRIVING PERMITS

Section

- 1001.600 Applicability
- 1001.610 Definitions
- 1001.620 Burden of Proof
- 1001.630 Implied Consent Hearings; Religious Exception
- 1001.640 Implied Consent Hearings; Medical Exception
- 1001.650 Rebuttable Presumption
- 1001.660 Alcohol and Drug Education and Awareness Program
- 1001.670 Petitions for Restricted Driving Permits
- 1001.680 Form and Location of Hearings
- 1001.690 Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

- 1001.700 Applicability
- 1001.710 Definitions
- 1001.720 Organization of Motor Vehicle Review Board
- 1001.730 Motor Vehicle Review Board Meetings
- 1001.740 Board Fees
- 1001.750 Notice of Protest
- 1001.760 Hearing Procedures
- 1001.770 Conduct Of Protest Hearing
- 1001.780 Mandatory Settlement Conference
- 1001.785 Technical Issues
- 1001.790 Hearing Expenses; Attorney's Fees
- 1001.795 Invalidity

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is

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authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective

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March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs

- a) BAIID Required for RDP; Fee Required
 - 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by Sections 6-205, 6-206 and/or 11-501 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$30 per month on an annual basis, for a total annual payment of \$360. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.
 - 2) A BAIID petitioner who is renewing restricted driving permits and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time he/she renews the permits, shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$30. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.

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- b) Notification of BAIID Requirements. The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) Type of Hearing Required. All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any extension or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) Petitioner Must Meet Requirements of Subpart D. The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a device in all motor vehicles operated by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on and BAIID permittees shall not operate motorcycles, motor driven cycles or commercial motor vehicles requiring a commercial driver's license.
- e) Hearing Officer's Responsibilities; Petitioner's Responsibilities. Prior to the taking of evidence at the hearing:
- 1) The hearing officer shall make sure that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 of this Subpart D and install and utilize the device; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the device are the responsibility of the BAIID petitioner; and
 - 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the device, or comply with this Section, he/she shall be advised that restricted driving permits cannot be granted.

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- f) Decision. After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
 - 2) If the hearing officer determines that an RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device. All RDPs issued under this Section shall require continued use of the device until the driving privileges of the petitioner are reinstated.
- g) Installation of BAIID. Upon the issuance of an RDP under this Section, the Secretary shall make available a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID Permittee may operate the vehicle for 14 days from the issuance of the RDP without the device installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the device. The installer or BAIID provider must notify the Secretary that a device has been installed in the vehicles designated by the BAIID permittee within 7 days from the date of the installation of the device. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Petitioner's Responsibilities – Driving with BAIID. Any BAIID petitioner receiving an RDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.
 - 2) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the device, and

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thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the BAIID provider or installer.

- 3) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.
 - 4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device, and recording the name of the driver operating the vehicle at the time of the event.
 - 5) May not have an interlock device removed or deinstalled from his or her vehicle without first notifying the Secretary and surrendering to the Secretary or his designee the permittee's restricted driving permit.
- i) Review of Monitor Reports; Sanctions for Failure to Comply. Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAIID permittee to comply with the requirements of this Subpart D will be made part of his/her record of performance to be considered at future formal hearings.
- 1) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;
 - 2) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the

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unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

- 3) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonable assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 4) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent). In every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. If a response from a BAIID permittee whose alcohol/drug use was classified at High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID. If a response from a BAIID permittee whose alcohol/drug use was classified at something other than High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

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- 5) For any BAIID permittee who was arrested/stopped by the police for an alcohol/drug related offense, failed a running retest, or failed to take a running retest, if the police officer's report indicates the use of alcoholic beverages and/or drugs, the Secretary shall send the BAIID permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 6) For any BAIID permittee whose initial monitor or monitor reports show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device, the Secretary shall send the BAIID permittee a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, then the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device.
- 7) For any BAIID permittee required to submit a letter of explanation, when a review of the images taken at the time of the violation indicates the BAIID camera was prevented from taking clear and accurate photos of the permittee blowing into the mouthpiece, the explanation shall automatically be rejected and the appropriate sanction, as set forth in this subsection (i), shall be imposed.
- j) Immediate Cancellation of BAIID Permit. Any one of the following shall also be grounds for immediate cancellation of an RDP issued under this Section:
 - 1) Any law enforcement report showing operation of a vehicle by a BAIID permittee without a device as required by the RDP issued under this Section. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;
 - 2) Notification from a BAIID provider or installer on a

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removal/deinstallation report form stating that the device installed in a BAIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees due to the BAIID provider, unless the permittee has notified the Secretary that he or she is no longer utilizing the device and surrendered the BAIID permit to the Secretary as required in subsection (h). This notification shall be sent to the Secretary no more than 7 days after the removal/deinstallation;

- 3) Failure to submit a BAIID for monitoring in a timely manner. Unless notified by a BAIID provider pursuant to subsection (j)(2), all monitor reports shall be submitted to the Secretary within 67 days after the previous monitor report. If the Secretary fails to receive a BAIID permittee's monitor reports in the 67 days, then the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and permittee by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the BAIID permittee failed to take in a vehicle with the device for timely monitor reports or failed to send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, then the Secretary will send a letter to the BAIID permittee stating that if the device is not taken in for a monitor report within 10 days after the date of the letter, then any permits issued to the BAIID permittee will be cancelled;
 - 4) Any law enforcement report involving a DUI arrest or other law enforcement report indicating use of alcohol in violation of Subpart D;
 - 5) The Secretary reserves the discretion to cancel a BAIID permittee's driving privileges if monitor reports, which are processed after a hearing is conducted or after the reinstatement of driving privileges, show a violation of the terms and conditions of the BAIID permit.
- k) Hearing to Contest Cancellation of BAIID Permit. Any BAIID permittee whose RDP is cancelled as provided for in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID permittee whose RDP is cancelled under the provisions of this Section and who is required

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to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent) and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.

- l) No Hearing for 12 Months After Cancellation. Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k). This provision does not apply to BAIID permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct that otherwise would be grounds for the cancellation of his/her RDPs.
- m) Formal Order – Content. Any formal order entered that grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
 - 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
 - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.
- n) RDPs – Content. Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
 - 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be equipped with an installed, properly operating device;
 - 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the device within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) Use of Monitor Reports. The Secretary shall gather all monitor reports and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. Such reports may be used as evidence

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at any administrative hearing conducted by the Secretary under this Part.

- p) Modification or Waiver of BAIID. The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section.
- q) Employment Exemption from BAIID Requirements. In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in Sections 6-205 and 6-206 of the IVC, the following shall apply:
 - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee and used solely for commuting to and from employment.
- r) Disqualification/Decertification of BAIID Providers and BAIID Device. The Secretary must notify the BAIID permittee of the disqualification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.
- s) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

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(Source: Amended at 37 Ill. Reg. 5844, effective April 19, 2013)

**Section 1001.442 BAIID Providers Qualification Procedures and Responsibilities;
Certification of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's
Responsibilities; Disqualification of a BAIID Provider**

- a) **Qualification Required to Provide BAIID Services.** No person or entity may provide BAIID services pursuant to this Subpart D unless qualified as a BAIID provider by the Secretary. All qualified BAIID providers must apply for requalification on an annual, calendar year basis, with applications for requalification due in the Secretary's office no later than December 1 of each year.
- b) **Who May Provide BAIID Services.** BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.
- c) **Information Required in Application for Qualification.** Persons or entities desiring to be qualified as BAIID providers may submit an application for qualification at any time. An application for qualification or requalification as a BAIID provider shall include all of the following information:
 - 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
 - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
 - 3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit.

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Unless the BAIID has been certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

- 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. Such proof may include a letter (composed on letterhead stationary), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
- 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and submit reports to the Secretary within the time frames established by this Subpart D;
- 6) Proof the applicant possesses the minimum liability insurance coverage required by this Section, and a statement agreeing to the indemnification and hold harmless provisions of this Section;
- 7) In the event an original or amended application to be qualified or requalified as a BAIID provider is denied, the Secretary shall limit additional applications from that applicant to one every 12 months;
- 8) In deciding whether to grant or deny an application to be a BAIID provider, the Secretary may take into consideration the applicant's past performance in manufacturing, distributing, installing or servicing BAIIDs if the applicant has previously engaged in this type of business;
- 9) A BAIID provider who has been qualified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a type of BAIID in addition to or other than the types previously certified for that BAIID provider;
- 10) The Secretary shall notify the applicant in writing of his decision regarding the application for qualification or requalification as a BAIID provider.

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- d) Services that Must be Provided. After qualification or requalification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
- 1) The BAIID provider shall submit proof of liability insurance with its application to the Secretary. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the BAIID provider is not both the manufacturer and installer of the device, proof of liability insurance must be provided showing coverage of both the manufacturer and the installers. If proof of separate policies for the manufacturer and installers is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;
 - 2) As a condition of being certified as a BAIID provider, the BAIID provider shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident thereto, relating to bodily injuries to persons (including death) and for loss of, damage to, or destruction of real and/or tangible personal property (including property of the State) resulting from the negligence or misconduct of the BAIID provider, its employees, agents, or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;
 - 3) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;
 - 4) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs

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shall only be installed at installation sites reported to the Secretary pursuant to this Section;

- 5) Any BAIID provider that sells, rents, and/or leases ignition interlock devices in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make and serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle;
- 6) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 7) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the device. The BAIID provider will warn the BAIID permittee or MDDP offender that a violation of the BAIID or MDDP program or a finding of guilt for any of the offenses listed in Section 6-206.1(c-1) or Section 6-206.2 of the IVC will result in an extension of the summary suspension or a re-suspension for 3 months or immediate cancellation of the MDDP. Copies of all materials used in this course of training shall be provided to the Secretary;
- 8) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;
- 9) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the device and how the device functions;
- 10) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or

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savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon his request;

- 11) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring or whenever a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (d)(12), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in or an appropriate portion of the BAIID is sent to the BAIID provider. All BAIIDs shall be recalibrated whenever they are brought in for any type of service or monitoring using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard. The Secretary reserves the discretion to require a physical inspection, to be conducted by the BAIID provider or the BAIID Division, if monitor reports reflect repeated violations, or a reading or readings indicate tampering or circumvention of the device;
- 12) The BAIID provider shall report to the Secretary within two business days the discovery of any evidence of tampering with or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering circumvention and shall make that evidence available to the Secretary;
- 13) BAIID providers shall provide to the Secretary, upon request, additional reports, to include but not be limited to, records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State;
- 14) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;
- 15) The BAIID provider must immediately notify the Secretary in writing if it or its manufacturer or installer becomes unable to produce, supply, service, repair, maintain, or monitor BAIIDs in a manner that enables it to service BAIID permittees and MDDP offenders as required and within the deadlines specified in this Subpart D;

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- 16) The BAIID provider shall provide the Secretary a list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;
- 17) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender found to be indigent by the court of venue who requests services from the BAIID provider and who presents written documentation of indigency from the court in a form prescribed by the Secretary;
- 18) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in Section 6-206.1 of the IVC and Section 1001.444;
- 19) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;
- 20) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (i)(2);
- 21) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any devices present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall

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notify in writing and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary in writing of any corrective action taken;

- 22) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes.
- e) Criteria for Certification of Interlock Devices. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders by BAIID providers. Certification of a BAIID may be granted by the Secretary based on the following criteria:
 - 1) Certification of a device may be granted by the Secretary, based on a review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by one of the following: International Standards Organization (ISO-25), National Voluntary Lab Accreditation Program – National Institutes of Standards & Technology (NVLAP), or Clinical Laboratory Improvement Amendments – U.S. Department of Health and Human Services (CLIA). The evaluation and test results must affirm the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:
 - A) 1.4.S, Power, if the device is not designed to be operated from the battery;
 - B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20° C and above +70° C;
 - C) 2.3.S, Warm Up, if the device is not designed to be operated below -20° C;
 - D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20° C and above +70° C;

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- 2) The BAIID provider must certify that the BAIID:
 - A) Does not impede the safe operation of a vehicle;
 - B) Minimizes opportunities to bypass the device;
 - C) Performs accurately and reliably under normal conditions;
 - D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC; i.e., $P \geq 0.025$;
 - E) Satisfies the requirements for certification set forth in this Section;
 - F) Takes clear and accurate photographs of the individual utilizing the device. Vendors shall make accessible to the Secretary examples of such photos at the time of certification. If, in the opinion of the Secretary, the photographs are not clear and accurate, the Secretary has the right to withhold certification.
- 3) No device shall be certified if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (e)(1);
- 4) Any device to be certified shall be designed and constructed with an alcohol setpoint of 0.025;
- 5) Any device to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
- 6) Any device to be certified shall be designed and constructed to immediately begin blowing the horn if:
 - A) The running retest is not performed;

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- B) The BrAC readings of the running retest is 0.05 or more; or
 - C) Tampering or circumvention attempts are detected;
- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.
- A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:
 - i) Every instance in which the device registers 3 BrAC readings of .05 or more within a 30 minute period;
 - ii) Any attempted tampering or circumvention;
 - iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;
 - iv) Every 60 days after the initial monitor report;
 - v) For MDDP offenders, 5 violations within the 60 days monitoring period;
 - B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
- 8) The device shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;
- 9) Certification of a device may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the device's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;

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- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering;
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:
 - A) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal of the BAIID;
 - B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, and environmental features;
- 12) Any device that is not certified shall be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
- 13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;
- 14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (e), these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for

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use by BAIID providers. No later than July 1, 2013, in addition to these anti-circumvention methods, all BAIIDS installed shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor and made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail.

f) BAIID Installers

- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a qualified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be disqualified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;
- 2) All BAIID installers shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions);
- 4) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. All connections shall be soldered and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the device. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle;
- 5) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;

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- 6) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;
 - 7) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
 - 8) Where the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate part of the device to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring.
- g) Disqualification of BAIID Providers. The Secretary shall disqualify a BAIID provider from providing BAIID services in Illinois, upon written notification and a 30 day opportunity to come into compliance, in any of the following cases:
- 1) Failure to submit monitor reports in a timely manner as provided in subsections (d)(11) and (d)(12). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed device to the BAIID provider, or sent the appropriate portion of the device to the BAIID provider for a monitor report in a timely manner, a warning notification shall be sent to the BAIID provider indicating that a third such occurrence within a 12 month period will result in disqualification;
 - 2) Failure to maintain liability insurance as required;
 - 3) Failure to install certified devices within the time requirements of this Subpart D;
 - 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
 - 5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;

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- 6) Failure to submit a required surcharge to the Secretary for deposit in the Indigent BAIID Fund as required in Section 6-206.1 of the IVC and Section 1001.444. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be disqualified unless the BAIID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary.
- h) Notification of Decertification/Disqualification. Upon decertification of a BAIID or the disqualification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders of the decertification of the BAIID or the disqualification of or the cessation of the operation of a BAIID provider.
- i) Designation of Installation Sites
 - 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders;
 - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site in the unserved area. As a condition of being qualified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (i)(2).

(Source: Amended at 37 Ill. Reg. 5844, effective April 19, 2013)

**Section 1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender –
Compliance with Interlock Program**

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- a) **Ownership Defined.** For the purposes of this Section, a person "owns" a vehicle when it is registered in his or her name, regardless of whether it is registered solely in his or her name or jointly with another person or persons.
- b) **Installation Required**
 - 1) Anyone who is required to install an interlock device on all vehicles which he or she owns, pursuant to Sections 6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall have an interlock device installed on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 365 consecutive days.
 - 2) For purposes of subsection (b)(1), the period of 365 consecutive days begins on the date that an interlock device is installed on all vehicles he or she owns and ends 365 days later. This shall be known as the "base period". The base period remains the same regardless of whether the petitioner adds or replaces vehicles during the 365 consecutive days.
- c) **Verification of Compliance.** The Secretary shall verify compliance by conducting periodic checks of the vehicle registration records of BAIID multiple offenders, and by monitoring compliance with the terms and conditions of the interlock requirements as provided in Section 1001.441.
 - 1) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation will not be terminated until the offender comes into compliance. BAIID multiple offenders whose driving privileges are cancelled due to violation of the installation requirements will be required to come into compliance and maintain compliance for another 365 consecutive days.
 - 2) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender who is also a BAIID permittee

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as defined in Section 1001.410 and who, therefore, is issued a restricted driving permit, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred or the violation has been rectified, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. Pursuant to Section 1001.441(g) and (l), the BAID permittee will not be granted another hearing for one year from the date of the cancellation, except to contest the cancellation.

- 3) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAID multiple offender whose driving privileges have been reinstated, then the offender's driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to come into and maintain compliance for another 365 consecutive days.
- 4) The Secretary reserves the discretion to cancel a BAID multiple offender's driving privileges if monitor reports, processed after a hearing is conducted or after the reinstatement of the BAID multiple offender's driving privileges, show a violation of the terms and conditions of the interlock requirements, including the use of any product intended to prevent accurate readings by the BAID.
- d) The offender may contest a cancellation entered pursuant to this Section by filing a petition for a formal hearing pursuant to Section 2-118 of the Code.

(Source: Amended at 37 Ill. Reg. 5844, effective April 19, 2013)

Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions

- a) Breath Alcohol Ignition Interlock Device (BAID) Required for Issuance; Fee Required
 - 1) The Secretary shall notify a first offender (MDDP offender), as defined in Section 11-500 of the IVC, that he or she will be issued an MDDP unless

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the Secretary receives, from the court of venue, an opt-out form, prescribed by the Secretary, that has been signed by the offender and filed with the court. The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by Section 6-206.1 of the IVC. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in Section 6-206.1 of the IVC, an MDDP offender must pay a non-refundable fee in an amount equal to \$30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20th day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.

- 2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.
- 3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.
- 4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender may petition, at a formal hearing conducted pursuant to Section 2-118 of the IVC, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only

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operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.

- 5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under Section 6-206.1(c-1) of the IVC, may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.
 - 6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may also resume participation by notifying the BAIID Division in writing, but may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.
- b) Compliance – Installation of BAIID/Notification to the Secretary
- 1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. Failure to comply with this requirement will result in the cancellation of the MDDP issued.
 - 2) The Installer/BAIID Provider. A BAIID provider or installer must:
 - A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442 of this Part;
 - B) Upon installation, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender within 7 days from the date of the installation of the BAIID:

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- C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder.
 - D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- c) Compliance – Driving with BAIID. Any MDDP offender receiving a MDDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.
 - 2) Either take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the device to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.
 - 3) Either take the vehicle with the BAIID installed or send the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.
 - 4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle.

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- 5) Shall not have a BAIID removed or deinstalled from vehicles without authorization from the Secretary and when, applicable, surrendering to the Secretary or his designee the MDDP.
 - 6) Shall not commit any of the violations listed in subparagraph (d) of this Section.
- d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:
- 1) A conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC;
 - 2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID, including the use of any product intended to prevent accurate readings by the BAIID;
 - 3) A violation of Section 6-206.2 of the IVC;
 - 4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;
 - 5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;
 - 6) A BrAC reading of 0.05 or more;
 - 7) Failing a running retest, or failing to take a running retest;
 - 8) Removing the BAIID without authorization from the Secretary;
 - 9) Failing to utilize the BAIID as required;
 - 10) Failing to submit a BAIID for a monitor report in a timely manner;
 - 11) Preventing the camera from taking clear and accurate photos of the permittee blowing into the mouthpiece.

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- e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:
- 1) For a conviction or court supervision for any of the offenses listed in Section 6-206.1(c-1) of the IVC, or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the device, immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(1) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
 - 2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the BAIID, send the MDDP holder a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in Section 6-206.1(1) of the IVC, and authorize the immediate removal/deinstallation of the BAIID. If the summary suspension is already terminated prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender as provided for in Section 6-206.1(1) of the IVC. The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
 - 3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of

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the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.

- 4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.
- 6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP

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holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the device in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(1).

8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months, except as provided in subsection (e)(10).

9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.

10) When an image shows that the MDDP permittee has utilized any product that allows the permittee to avoid blowing directly into the mouthpiece of the BAIID, or when the permittee has taken any step to prevent a clear and accurate picture of the driver, the Secretary shall extend the summary suspension for 3 months.

f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the \$50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.

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- g) MDDPs – Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:
- 1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;
 - 2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;
 - 3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;
 - 4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).
- h) Use of Monitor Reports. The Secretary shall gather all monitor reports and any other information relative to the MDDP holder's performance and compliance with the BAIID requirements under this Subpart D. The reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- i) Modification or Waiver of BAIID. Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. The MDDP holder must:
- 1) Submit a medical report establishing the inability to utilize the BAIID.
 - 2) Have a hearing, pursuant to Subpart A, at which the MDDP holder must prove compliance with the alcohol/drug requirements under this Subpart D.
- j) Employment Exemption from BAIID Requirements. In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in Section 6-206.1 of the IVC, the following shall apply:
- 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the

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MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;

- 2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];
- 3) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;
- 4) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have an interlock device installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the device installed by the date designated by the Secretary will result in the termination of the MDDP offender's monitoring device driving permit;
- 5) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);
- 6) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.

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- k) Disqualification/Decertification of BAIID Provider and BAIID Device. The Secretary must notify the MDDP holder of the disqualification of a BAIID provider or the decertification of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a BAIID provider or a BAIID shall be paid by the MDDP holder, unless the court has deemed the MDDP holder indigent.
- l) Indigent BAIID Fund
- 1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.
- A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.
- B) The surcharge shall be submitted to the Secretary by the 15th of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID Provider.
- C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.
- 2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). The request must be in a form and in the manner prescribed by

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the Secretary. The Secretary will authorize payments in accordance with Section 6-206.1(o) of the IVC.

- 3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- 4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a copy of the United States or State of Illinois tax return for the most recently completed calendar year.
 - A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:
 - i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;
 - ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.
 - B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is 150% or less of the federal poverty guidelines.
- 5) An MDDP holder's indigency status shall be valid for a period of 12 months. Any MDDP holder whose summary suspension is extended beyond 12 months, who wishes to continue participation in the MDDP program and wishes to be declared indigent must submit current documentation as set forth in subsection (1)(4).

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- m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 37 Ill. Reg. 5844, effective April 19, 2013)

OFFICE OF THE STATE TREASURER

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Uniform Disposition of Unclaimed Property Act
- 2) Code Citation: 74 Ill. Adm. Code 760
- 3) Section Number: 760.21 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26]
- 5) Effective Date of Rulemaking: April 18, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at One West Old State Capitol Plaza, Suite 400, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: September 7, 2012; 36 Ill. Reg. 13578
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The final version contains three differences from the proposed rulemaking. First, the final version omits any reference to the dollar threshold in which aggregate reporting is allowed; instead it reflects the statutory authority described in Section 11(b)(1) of the Act. Second, the rulemaking has made changes to language concerning the unclaimed funds of life insurance corporations due beneficiaries from a life or endowment insurance policy or annuity held by such a corporation to reflect the current practices in that industry. Finally, the rulemaking incorporates the term "reportable property" to clarify what date needs to be included on the Reports filed with the Office of the Treasurer.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

OFFICE OF THE STATE TREASURER

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- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking clarifies three points left open by the Uniform Disposition of Unclaimed Property Act. First, the rulemaking establishes that the individual amounts that may be reported in the aggregate are specifically referenced by statute. Second, the rulemaking recognizes the complexities of unclaimed property as it relates to the life insurance corporations. Finally, the rulemaking incorporates the term "reportable property" to clarify what date needs to be included on the Reports filed with the Office of the Treasurer
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Bradley A. Rightnowar
Assistant General Counsel
Office of Illinois State Treasurer Dan Rutherford
One West Old State Capitol Plaza
Suite 400
Springfield, Illinois 62701

217/785-6998
217/557-9365 [facsimile]

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

OFFICE OF THE STATE TREASURER

NOTICE OF ADOPTED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURERPART 760
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section	
760.10	Definitions
760.15	Presumption of Abandonment
760.20	Negative Reports
760.21	Reporting
760.22	Format/Form of Reports
760.24	Incomplete/Inaccurate Report or Remittance
760.25	Filing Extensions
760.30	Safe Deposit Boxes
760.35	Due Diligence
760.40	Cost of Mailing
760.50	Nominee and Street Name Property
760.60	Lawful Charges
760.70	Discontinuance of Interest or Dividends
760.80	Statute of Limitations (Repealed)
760.85	Situs
760.89	Fees
760.90	Examination of Property Holders
760.92	Remittance of Securities and Commodities
760.94	Receipt and Sale of Securities and Commodities
760.95	Examination Gap
760.100	Claims
760.110	Hearings on Claims
760.115	Non-Claim Hearings

AUTHORITY: Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26].

SOURCE: Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 17 Ill. Reg. 123, effective December 21, 1992; emergency amendment at 17 Ill. Reg. 6321, effective April 6,

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1993; amended at 17 Ill. Reg. 9893, effective June 21, 1993; amended at 18 Ill. Reg. 18001, effective December 12, 1994; amended at 20 Ill. Reg. 8325, effective June 8, 1996; recodified from the Department of Financial Institutions (38 Ill. Adm. Code 180) to the State Treasurer, pursuant to PA 91-16, at 26 Ill. Reg. 8164; emergency amendment at 28 Ill. Reg. 13919, effective October 5, 2004, for a maximum of 150 days; emergency expired March 3, 2005; amended at 36 Ill. Reg. 12162, effective July 12, 2012; amended at 37 Ill. Reg. 5886, effective April 18, 2013.

Section 760.21 Reporting

a) Reporting Requirements

- 1) Business associations who have no reportable property and annual sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 49 or fewer persons, are not required to file annual reports under Section 11 of the Act.
- 2) Business associations who have no reportable property and annual sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 50 or more people but fewer than 100 persons, are required to file reports in even-numbered years on the reporting date specified in Section 11 of the Act.
- 3) Notwithstanding the provisions of subsections (a)(1) and (2), a business association must file a report with the State Treasurer for all reportable property.

b) Information to be Reported

In applying Section 11(d) of the Act, the verified information to be included on reports to the Treasurer shall include:

- 1) the name, Social Security or federal tax identification number, if known, and last known address, including zip code, of each person appearing from the records of the holder to be the owner of any property specified in Section 11(b)(1) of the Act;
- 2) in case of unclaimed funds of life insurance corporations due beneficiaries from a life or endowment insurance policy or annuity held by life insurance corporations, the full name of the insured, the annuitant and any

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beneficiary, if known, and the last known address according to the life insurance corporation's records; and

3) the date when the property becomes "reportable property" as that term is defined in Section 1(1) of the Act [765 ILCS 1025/1(1)].

- cb) Within counties having a total population under 100,000, the County and Municipal Governments and Special Taxing Districts are only required to file a report with the Treasurer for reportable property.
- de) In applying Section 10.5(d) of the Act, fraudulent reporting includes, but is not limited to, a determination by a court or administrative hearing that a holder has fraudulently reported or fraudulently failed to remit presumptively abandoned property.
- ed) In applying Section 10.5(d) of the Act, failure to report includes, but is not limited to, the issuance by the Treasurer of a Notice of Delinquency on a report filed by a holder.
- fe) A report required to be filed under the Act is deemed received and filed when it has been delivered complete, accurate and in correct form to the Treasurer's Unclaimed Property Division office at 1 West Old Capitol Plaza, Suite 400, Springfield IL 62701-1390, and includes any required remittance.
- gf) A report will be deemed not to be timely received and filed under the Act if it:
- 1) is submitted after the required filing date;^{3,5}
 - 2) is submitted in other than a form authorized in Section 760.22;^{3,5}
 - 3) is unsigned or undated;^{3,5}
 - 4) is incomplete, as defined in Section 760.24;^{3,5}
 - 5) is inaccurate, as defined in Section 760.24;^{3,5}
 - 6) is without the required remittance;^{3,5} or
 - 7) does not meet any other requirement under the Act.

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- | hg) Reportable property that is not timely reported and remitted by a holder on the first reporting date specified in Section 11 of the Act after the property's initial date of presumptive abandonment must be reported upon discovery of the omission. The holder in the report must identify this property as being reported late and the reason.

- | ih) Any remittance submitted under ~~the~~this Act must be made in United States Currency. Any submission made in foreign currency, money, checks or any other medium of a foreign country is unacceptable.

(Source: Amended at 37 Ill. Reg. 5886, effective April 18, 2013)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Access to Records of the Department of Transportation
- 2) Code Citation: 2 Ill. Adm. Code 1226
- 3) Section Number: 1226.200 Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], implementing Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Amendment: April 19, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This rulemaking is exempt from the public comment period and the JCAR review period, as authorized by Section 5-15(b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-15(b)].
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No, this rulemaking is exempt from the second notice requirements of the IAPA.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Amends Section 1226.200(c) to correct the Department's email address.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

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

Ms. Barbara Brush, FOIA Officer
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764

217/785-2965

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XXII: DEPARTMENT OF TRANSPORTATION

PART 1226

ACCESS TO RECORDS OF THE DEPARTMENT OF TRANSPORTATION

SUBPART A: INTRODUCTION

Section	
1226.10	Summary and Purpose
1226.20	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
1226.100	Records that Will Be Disclosed
1226.110	Records that Will Be Withheld from Disclosure
1226.120	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY

Section	
1226.200	Submittal of Requests for Records
1226.210	Information To Be Provided in Requests for Records
1226.220	Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
1226.300	Timeline for Agency Response
1226.310	Requests for Records that the Agency Considers Unduly Burdensome
1226.315	Recurrent Requesters
1226.320	Requests for Records that Require Electronic Retrieval
1226.330	Denials of Requests for Records
1226.340	Requests for Review of Denials – Public Access Counselor
1226.350	Circuit Court Review
1226.360	Administrative Review

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section

1226.400	Inspection and Copying of Records
1226.410	Copying of Records; Fees
1226.420	Reduction and Waiver of Fees

1226.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], implementing Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted and codified at 8 Ill. Reg. 12526, effective July 1, 1984; amended at 19 Ill. Reg. 1334, effective January 31, 1995; amended at 31 Ill. Reg. 11366, effective July 17, 2007; old Part repealed at 37 Ill. Reg. 2475 and new Part adopted at 37 Ill. Reg. 2477, effective February 8, 2013; amended at 37 Ill. Reg. 5892, effective April 19, 2013.

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY**Section 1226.200 Submittal of Requests for Records**

- a) Contact information for the FOI Officer can be found online at www.dot.il.gov.
- b) FOIA requests may be submitted via mail, e-mail, fax or hand delivery. Requests should be mailed or hand delivered to:

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield IL 62764
Attn.: FOIA Officer

- c) E-mailed requests should be sent to dot.foiaofficer@illinois.gov or dot.foiaofficer@dot.il.gov, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/524-0198, Attn.: FOIA Officer.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 37 Ill. Reg. 5892, effective April 19, 2013)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.3 Emergency Action:
Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of Amendment: April 22, 2013
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is to expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: April 22, 2013
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Enactment and immediate effective date of new Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315] (PA 97-1172), which amends the Act to allow the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining. The amendments to the Act mandate that the Governor has until 4/5/14 to designate positions as excluded from collective bargaining under the new requirements outlined in the amendments. Moreover, the amendments require that the Board take action on designations made by the Governor within 60 days after the date that the designation is filed with the Board. The Board's current administrative rules are not sufficient to facilitate the processing of these designations as these amendments represent a major change to the Act. Due to the fact that the Governor is authorized to file designations with the Board immediately upon enactment of the amendments and due to the time requirements of the process for proposed rulemaking including notice periods, it is highly probable that the Board would be obligated by statute to take action on designations made by the Governor without having rules in place to do so, unless the Board is able to utilize emergency rules. The legislature determined, by making these amendments to the Act, that these changes are in the public interest of the citizens of Illinois. Delaying the processing of these designations until such time as proposed rules can be promulgated could frustrate the intent of the legislature, cause the

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

Board to run afoul of the requirements of the Act, and negatively impact the public interest. The Amendment to Section 1200.3 of this Part serves to exclude procedures implementing Section 6.1 of the Act from the general procedures of the agency.

- 10) A Complete Description of the Subjects and Issues Involved: New Section 6.1 of the Illinois Labor Relations Act [5 ILCS 315] authorizes the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining as described in Section 6.1 within 365 days of the effective date of the amendment to the Act. Upon such designation of a State employment position by the Governor, Section 6.1 requires the Board to review and take action on such designation within 60 days after the date the designation was filed with the Board. The agency has proposed rulemaking to implement this amendment to the Act. The amendment to Section 1200.3 of this Part serves to exclude procedures implementing Section 6.1 of the Act from the general procedures of the Board.
- 11) Are there any other proposed rulemakings pending on this Part? Yes, there is an identically worded proposal filed pursuant to regular rulemaking procedures under Section 5-40 of the Administrative Procedures Act necessitated by the fact the Governor might not complete his designations until after the emergency rules have expired.
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this rule shall be directed to:

Jerald S. Post
General Counsel
Illinois Labor Relations Board
160 N. LaSalle Street, Suite S-400
Chicago, Illinois 60601

312/793-6400
Jerald.Post@Illinois.Gov

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.3 General Statement of Purpose

EMERGENCY

1200.5 Board Information and Business Hours

1200.10 Definitions

1200.20 Filing and Service of Documents

1200.30 Computation and Extensions of Time

1200.40 Authority of Administrative Law Judges

1200.45 Motions

1200.50 Recording of Hearings

1200.60 Closing Arguments and Briefs Before ~~Administrative~~ Administrative Law Judge

1200.70 Representation of Parties

1200.80 Ex Parte Communications

1200.90 Subpoenas

1200.100 Transfer of Jurisdiction

1200.105 Consolidation of Proceedings

1200.110 Amicus Curiae Briefs (Repealed)

1200.120 Voluntary Settlement or Adjustment of Disputes

1200.130 Rules of Evidence

1200.135 Appeals Procedures, Board Review and Court Review

1200.140 Amicus Curiae Briefs

1200.143 Declaratory Rulings

1200.145 Filing of Contracts

1200.150 Conflicts of Interest

1200.160 Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18,

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7540, effective May 12, 2004, for a maximum of 150 days; emergency expired October 8, 2004; amended at 28 Ill. Reg. 15154, effective November 1, 2004; emergency amendment at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days.

Section 1200.3 General Statement of Purpose**EMERGENCY**

The regulations contained in this Part detail the procedures that employers, employees and labor organizations should use when filing petitions and charges pursuant to Parts 1210, 1220 and 1230, which implement the provisions of the Illinois Public Labor Relations Act [5 ILCS 315]. This Part shall not apply to cases filed pursuant to Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. This Part shall not apply to cases filed pursuant to Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315/6.1] except where specifically referenced by the regulations in Part 1300.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days)

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- 1) Heading of the Part: Gubernatorial Designation of Positions Excluded from Collective Bargaining
- 2) Code Citation: 80 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1300.10	New Section
1300.20	New Section
1300.30	New Section
1300.40	New Section
1300.50	New Section
1300.60	New Section
1300.70	New Section
1300.80	New Section
1300.90	New Section
1300.100	New Section
1300.110	New Section
1300.120	New Section
1300.130	New Section
1300.140	New Section
1300.150	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of Rules: April 22, 2013
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules are to expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: April 22, 2013
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's Springfield and Chicago offices and is available for public inspection.
- 9) Reason for Emergency: Enactment and immediate effective date of new Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315] (PA 97-1172), which amends the

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Act to allow the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining. The amendments to the Act mandate that the Governor has until 4/5/14 to designate positions as excluded from collective bargaining under the new requirements outlined in the amendments. Moreover, the amendments require that the Board take action on designations made by the Governor within 60 days after the date that the designation is filed with the Board. The Board's current administrative rules are not sufficient to facilitate the processing of these designations as these amendments represent a major change to the Act. Due to the fact that the Governor is authorized to file designations with the Board immediately upon enactment of the amendments and due to the time requirements of the process for proposed rulemaking including notice periods, it is highly probable that the Board would be obligated by statute to take action on designations made by the Governor without having rules in place to do so, unless the Board is able to utilize emergency rules. The legislature determined, by making these amendments to the Act, that these changes are in the public interest of the citizens of Illinois. Delaying the processing of these designations until such time as proposed rules can be promulgated could frustrate the intent of the legislature, cause the Board to run afoul of the requirements of the Act, and negatively impact the public interest.

- 10) A Complete Description of the Subjects and Issues Involved: New Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315] authorizes the Governor to designate up to 3,580 State employment positions as excluded from collective bargaining as described in Section 6.1 until 4/5/14. Upon such designation of a State employment position by the Governor, Section 6.1 requires the Board to review and take action on such designation within 60 days of the date the designation was filed with the Board.
- 11) Are there any other proposed rulemakings pending on this Part? Yes, there is an identically worded proposal filed pursuant to regular rulemaking procedures under Section 5-40 of the IL Administrative Procedure Act necessitated by the fact the Governor might not complete his designations until after the emergency rules have expired.
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this rulemaking shall be directed to:

Jerald S. Post
General Counsel

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Illinois Labor Relations Board
160 N. LaSalle Street, Suite S-400
Chicago, Illinois 60601

312/793-6400
Jerald.Post@Illinois.Gov

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

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NOTICE OF EMERGENCY RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARD

PART 1300
GUBERNATORIAL DESIGNATION OF POSITIONS EXCLUDED
FROM COLLECTIVE BARGAINING

Section

1300.10 General Statement of Purpose

EMERGENCY

1300.20 Board Information and Business Hours

EMERGENCY

1300.30 Definitions

EMERGENCY

1300.40 Board's Jurisdiction

EMERGENCY

1300.50 Filing a Designation

EMERGENCY

1300.60 Processing and Investigation

EMERGENCY

1300.70 Hearing

EMERGENCY

1300.80 Authority of Administrative Law Judges

EMERGENCY

1300.90 Computation and Extensions of Time; Service

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1300.100 Motions

EMERGENCY

1300.110 Subpoenas

EMERGENCY

1300.120 Representation of Parties

EMERGENCY

1300.130 Appeals Procedures, Board Review, and Court Review

EMERGENCY

1300.140 Ex Parte Communications

EMERGENCY

1300.150 Variances and Suspensions of Rules

EMERGENCY

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AUTHORITY: Implementing Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315/6.1] and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Adopted by emergency amendment at 37 Ill. Reg. 5901, effective April 22, 2013, for a maximum of 150 days.

Section 1300.10 General Statement of Purpose
EMERGENCY

The regulations contained in this Part detail the procedures that the Board shall use in determining whether designations made by the Governor of the State of Illinois or the Governor's agent under Section 6.1 of the Illinois Public Labor Relations Act [5 ILCS 315], excluding State employment positions from the self-organization and collective bargaining provisions of Section 6 of the Act, are lawful. The regulations contained in this Part also detail the procedures that the Governor of the State of Illinois or the Governor's agent shall use for designating State employment positions as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, as described in Section 6.1 of the Act. The regulations contained in this Part also detail the procedures that employees and labor organizations shall use for conducting proceedings before the Board regarding gubernatorial designation of State employment positions as excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act [5 ILCS 315], as described in Section 6.1 of the Act. The regulations in this Part provide condensed time limits and deadlines due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act for resolution of gubernatorial designations. The provisions of this Part shall not apply to any other charges or petitions filed with the Illinois Labor Relations Board pursuant to the Illinois Public Labor Relations Act [5 ILCS 315]. The provisions of 80 Ill. Adm. Code 1200, 1210, 1220, 1230 and 1240 only apply to this Part where specifically incorporated by reference.

Section 1300.20 Board Information and Business Hours
EMERGENCY

The Springfield office of the Illinois Labor Relations Board is located at One Natural Resources Way, First Floor, Springfield, Illinois, 62702. The Springfield office telephone number is 1-217-785-3155. The Springfield office facsimile telephone number is 1-217-785-4146. The Chicago office of the Illinois Labor Relations Board is located at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601. The Chicago office telephone number is 1-312-793-6400. The Chicago office facsimile telephone number is 1-312-793-6989. The Illinois Labor Relations Board's

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website address is www.state.il.us/ilrb. For electronic filing purposes for this Part only, the electronic mail address for the Board is ILRB.Filing@illinois.gov. The official business hours of the Illinois Labor Relations Board are 8:30 a.m. to 5:00 p.m., Monday through Friday.

Section 1300.30 Definitions
EMERGENCY

This Part incorporates the definitions contained in the Act as well as other definitions as set forth below.

"Act" means the Illinois Public Labor Relations Act [5 ILCS 315].

"Administrative Law Judge" means either the agency head or an attorney licensed to practice in Illinois.

"Administrative Law Judge's recommended decision and order" means findings of fact and conclusions of law and reasons for those findings and conclusions. It is not a final decision of the Board. Such a recommended decision and order will be reviewed by the Board upon the filing of exceptions or on the Board's own motion.

"Board" means the Illinois Labor Relations Board or State or Local Panel, individually as applicable, or an agent designated by the Board

"Board agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in the relevant sections of the rules.

Section 1300.40 Board's Jurisdiction
EMERGENCY

The Board shall undertake the process of determining whether a gubernatorial designation of a State employment position as excluded from self-organization and collective bargaining comports with Section 6.1 of the Act upon filing of a designation with the Board. All proceedings conducted under this Part are subject to the jurisdiction of the Board's State Panel pursuant to Section 5(a-5) of the Act.

Section 1300.50 Filing a Designation
EMERGENCY

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- a) When, pursuant to Section 6.1 of the Act, the Governor chooses to designate a position as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, the Governor or the Governor's agent must file a designation with the Board by electronic mail by sending the designation to ILRB.Filing@illinois.gov. The Governor or the Governor's agent must also submit a hard copy of the designation to the Board at its Springfield office by U.S. Mail postmarked on the date that the designation was filed by electronic mail or by hand delivery on the date that the designation was filed by electronic mail. A designation shall be made on a form provided by the Board for this purpose and must provide the information required by Section 6.1(b) of the Act: the job title and job duties of the employment position; the name of the State employee currently in the employment position, if any; the name of the State agency employing the public employee; and the category under which the position qualifies for designation under Section 6.1(b) of the Act.
- 1) *As provided in Section 6.1(a), the Governor may designate up to 3,580 State employment positions collectively within State agencies directly responsible to the Governor, and, upon designation, those positions and employees in those positions, if any, are hereby excluded from the self-organization and collective bargaining provisions of Section 6 of this Act. Only those employment positions that have been certified in a bargaining unit on or after December 2, 2008, that have a pending petition for certification in a bargaining unit on the effective date of this amendatory Act of the 97th General Assembly, or that neither have been certified in a bargaining unit on or after December 2, 2008 nor have a pending petition for certification in a bargaining unit on the effective date of this amendatory Act of the 97th General Assembly are eligible to be designated by the Governor under this Section. The Governor may not designate under this Section, however, more than 1,900 employment positions that have been certified in a bargaining unit on or after December 2, 2008. [5 ILCS 315/6.1(a)].*
 - 2) To qualify for designation under Section 6.1, the employment position must meet the requirements of at least one of the following categories:
 - A) the position *must authorize an employee in that position to act as a legislative liaison* [5 ILCS 315/6.1(b)(1)];

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- B) the position *must have a title of, or authorize a person who holds that position to exercise substantially similar duties as an, Agency General Counsel, Agency Chief of Staff, Agency Executive Director, Agency Deputy Director, Agency Chief Fiscal Officer, Agency Human Resources Director, Senior Public Service Administrator, Public Information Officer, or Chief Information Officer* [5 ILCS 315/6.1(b)(2)];
- C) the position *must be a Rutan-exempt, as designated by the employer, position and completely exempt from jurisdiction B of the Personnel Code* [5 ILCS 315/6.1(b)(3)];
- D) the position *must be a term appointed position pursuant to Section 8b.18 or 8b.19 of the Personnel Code* [5 ILCS 315/6.1(b)(4)]; or
- E) the position *must authorize an employee in that position to have significant and independent discretionary authority as an employee* [5 ILCS 315/6.1(b)(5)]. A person has significant and independent discretionary authority as an employee if he or she:
- i) *is engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or*
 - ii) *qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.* [5 ILCS 315/6.1(c)]
- b) Failure to fully complete the form could result in rejection of the filing of the designation by the Board.
- c) In cases where a designation is made for a position having an incumbent employee who is not currently represented by a collective bargaining

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representative and is not the subject of a pending petition for representation, the Board shall serve such designation on each unrepresented incumbent employee whose position has been designated. In cases where a designation is made for a position that is represented by a collective bargaining representative, or in cases where a collective bargaining representative has a petition for certification that includes the designated position pending before the Board at the time of the filing of the designation, the Board shall serve such designation on the appropriate collective bargaining representative and on each incumbent employee whose position has been designated. The Board shall serve such designation on collective bargaining representatives by U.S. Mail to the collective bargaining representative's business address, by hand delivery, or by electronic mail to the collective bargaining representative's electronic mail address. The Board shall serve such designation on each employee by U.S. Mail at the employee's work address, by hand delivery, or by electronic mail to each employee's state electronic mail address.

**Section 1300.60 Processing and Investigation
EMERGENCY**

- a) Initial Processing
 - 1) Upon filing of the designation with the Board, the Board or its agent will verify that the designation includes all information required by Section 6.1(b) of the Act for such designation as provided in Section 50 of this Part and will verify that the designated position was not certified in a bargaining unit before December 2, 2008.
 - 2) After verification, the Board will provide a notice to the Governor or the Governor's agent to be posted at the workplace of the position that has been designated. Each affected employee's employing agency shall post such notice within 2 days of receipt of the notice by the employing agency. The notice shall remain posted for 10 consecutive days. The employing agency or its agent shall certify, on a form provided by the Board, that such posting has been completed and shall return this form to the Board.
 - 3) In cases where a position is represented or subject to a pending petition for representation, the collective bargaining representative or incumbent employee shall have 10 days from the date of service of the designation to

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object to the designation. In cases where the position is not represented or subject to a pending petition for representation, the incumbent employee shall have 10 days from the date of service of the designation to object to the designation. Objections must be made in writing and received in the Board's Springfield or Chicago office within the 10-day period. An objecting party may submit objections via U.S. Mail, hand delivery, or electronic mail to the Board at ILRB.Filing@illinois.gov. If an objecting party chooses to submit objections via electronic mail, the party must also submit those objections in hard copy via U.S. Mail postmarked on the date that the objections were submitted via electronic mail or by hand delivery to the Board's Springfield or Chicago office within the 10-day period. If an objecting party chooses to submit objections by electronic mail, the party shall attach the objections to the electronic mail in Microsoft Word format (.doc or .docx) or in Portable Document Format (.pdf). Objections shall set forth the party's position with respect to the matters asserted in the designation regarding the job duties and functions of the position that is the subject of a designation, shall specifically state the basis for such objection, and shall include supporting documentation. Such objections shall be simultaneously served on other parties as follows:

- A) In cases where an employee subject to the designation is not represented by a collective bargaining representative, an employee filing an objection under this section shall serve a copy of the objection and copies of any supporting documentation upon the employer by U.S. Mail, hand delivery, or electronic mail at its address as indicated on the designation form. If an objecting party chooses to serve objections by electronic mail, the party shall attach the objections to the electronic mail in Microsoft Word format (.doc or .docx) or in Portable Document Format (.pdf).
- B) In cases where an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing an objection under this section shall serve the objection and any supporting documentation, by U.S. Mail, hand delivery, or electronic mail, upon the employer at its address as indicated on the designation form and upon the collective bargaining representative at its address as indicated on the designation form.

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A collective bargaining representative filing an objection under this section shall serve the objection and any supporting documentation, by U.S. Mail, hand delivery, or electronic mail, upon the employer at its address as indicated on the designation form and upon each employee whose position is the subject of the objection at his or her work address. In all cases, if an objecting party chooses to serve objections by electronic mail, the party shall attach the objections to the electronic mail in Microsoft Word format (.doc or .docx) or in Portable Document Format (.pdf).

- b) The Board may consolidate two or more gubernatorial designations or may sever gubernatorial designations that are filed together if the Board determines that such consolidation or severance would result in the efficient and expeditious resolution of designations.
- c) If no objection to a designation is filed within the time allowed and the designation appears otherwise proper, the designation shall be forwarded to the Executive Director for certification as a designated excluded position.
- d) Assignment to Administrative Law Judge
 - 1) If objections to a designation are filed within the time allowed, the designation and objections shall be assigned to an Administrative Law Judge.
 - 2) The assigned Administrative Law Judge will review the designation, any objections, and the documentation in support of such objections.
 - A) The Administrative Law Judge may make a factual finding that the designation is proper based solely on the information submitted to the Board in cases where the objections submitted fail to overcome the presumption that the designation is proper under Section 6.1 of the Act. In such cases, the Administrative Law Judge will issue a recommended decision and order to the Board that such designation be certified.
 - B) If the Administrative Law Judge finds that the objections submitted raise an issue of law or fact that might overcome the presumption that the designation is proper under Section 6.1 of the

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Act, the Administrative Law Judge will order a hearing to be held to determine whether the designation is proper. After hearing, the Administrative Law Judge shall issue a recommended decision and order to the Board regarding the designation.

**Section 1300.70 Hearing
EMERGENCY**

- a) Considering the nature of the designation and the representatives of the parties, the Administrative Law Judge will, insofar as practicable, apply the rules of evidence applicable in Illinois courts. The Administrative Law Judge may, upon proper objection, exclude evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in the form of testimony, exhibits, stipulations, or affidavits.
- b) Any hearing conducted in accordance with this Part shall be recorded by stenographic or other means that adequately preserves the record. The Administrative Law Judge or the Board may order that the recording be transcribed. Parties may order transcripts and shall bear the costs of any transcripts that they order.
- c) Upon request, a party is entitled to a reasonable period at the close of the hearing for oral argument, which shall be made part of the record. Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the Administrative Law Judge will direct the filing of briefs only in extraordinary circumstances, when the filing is, in the opinion of the Administrative Law Judge, warranted by the nature of the proceedings or the particular issues involved. All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All pages in excess of the 50 page limit will be rejected. The General Counsel may grant approval of exceptions and briefs containing more than 50 pages only in extraordinary circumstances.
- d) Except in extraordinary circumstances, hearings regarding designations shall be held within 14 days of receipt of objections by the Board and shall be limited in duration to 1 day of hearing.

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- e) Designation hearings shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the Administrative Law Judge. In designation hearings, the objecting party shall present its evidence first.
- f) If the objecting party fails to appear after proper service of Notice of Hearing, the Administrative Law Judge may recommend that the designation be certified by the Board. If any party other than the objecting party fails to appear, the Administrative Law Judge may proceed in its absence and issue a recommended decision and order.
- g) Pursuant to 80 Ill. Adm. Code 1200.40, the Administrative Law Judge may schedule a pre-hearing conference when it appears to the Administrative Law Judge that such would expedite the procedure.
- h) Intermediate rulings of the Administrative Law Judge shall not be subject to interlocutory appeal. Parties may raise objections to such intermediate rulings in their exceptions to the Administrative Law Judge's recommended decision.
- i) The Administrative Law Judge shall file and serve on the parties a recommended decision and order of the case as expeditiously as possible. Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the Administrative Law Judge may issue a Recommended Decision and Order before completion of a transcript of the proceedings.
- j) All exceptions to the Administrative Law Judge's recommended decision and order shall be filed and served in accordance with Sections 90 and 130 of this Part.

**Section 1300.80 Authority of Administrative Law Judges
EMERGENCY**

The Administrative Law Judge shall have the duty to conduct fair proceedings, to take all necessary action to avoid delay, to maintain order and to ensure development of a clear and complete record. The Administrative Law Judge shall have all powers necessary to achieve these ends, including, but not limited to the discretionary authority to:

- a) Review the designation, any objections, and any supporting documentation and determine whether a designation is proper based solely on the information

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submitted to the Board or whether a hearing is necessary to determine whether the designation is proper.

- b) Require the parties to participate in a pre-hearing conference before proceeding with a hearing;
- c) Require all parties to submit pre-hearing information, including, but not limited to, a detailed written statement of the issue to be resolved at hearing and its position; a list of witnesses each party intends to call, the nature of their testimony, the estimated time for each witness' testimony, and the estimated time for the party's case in chief; a list of exhibits to be offered by each party in its case in chief and a copy of each exhibit; and all other information the Administrative Law Judge requests;
- d) Regulate the proceedings of the case, and the conduct of the parties and their counsel;
- e) Administer oaths and affirmations;
- f) Receive relevant testimony and evidence;
- g) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;
- h) Examine witnesses and direct witnesses to testify; however, this provision does not lessen any party's burden of proof;
- i) Issue subpoenas and rule upon motions to revoke subpoenas;
- j) Take administrative notice of generally recognized facts of which Illinois courts may take judicial notice and of other facts within the specialized knowledge and experience of the Board;
- k) Rule on objections, motions and questions of procedure;
- l) Hear closing argument and, in extraordinary circumstances, authorize the submission of briefs and set the time for their filing;

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- m) Order a hearing reopened before the issuance of the Administrative Law Judge's recommended decision and order;
- n) Render and serve the recommended decision and order on the parties to the proceeding; and
- o) Carry out the duties of Administrative Law Judge as provided or otherwise authorized by this Part or the Act.

**Section 1300.90 Computation and Extensions of Time; Service
EMERGENCY**

- a) In computing any period of time prescribed by the Act or this Part, the designated period of time begins to run the day after the act, event, or default and ends on the last day of the period so computed. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.
- b) When a time period prescribed under the Act or this Part is less than 7 days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- c) Service of a document upon a party by mail shall be presumed complete 3 days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds for overcoming the presumption. Service of a document upon a party by electronic mail shall be presumed complete on the day that the document is transmitted via electronic mail. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered, was delivered at a later date, or was not accessible by the party. A party's failure or refusal to open a document served by electronic mail shall not be grounds for overcoming the presumption.
- d) Due to the nature of the proceedings at issue in this Part and the compressed timeline provided by Section 6.1 of the Act, the Board may use U.S. Mail, hand delivery, and electronic mail as methods of transmitting and filing certain documents in processing gubernatorial designations.

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- 1) The original designation must be transmitted to the Board in its Springfield office as described in Section 50 of this Part.
- 2) Service of designations by the Board may be accomplished by U.S. Mail, hand delivery, or electronic mail.
- 3) Objections to designations must be transmitted to the Board in its Springfield or Chicago office and to other parties as described in Section 60 of this Part. Objections to designations must be received by the Board in its Springfield or Chicago office within 10 days of the date of service of the designation on the objecting party.
- 4) The Recommended Decision and Order of the Administrative Law Judge will be served on the parties to the proceeding by electronic mail only.
- 5) Exceptions to the Recommended Decision and Order of the Administrative Law Judge will be filed with the Board by electronic mail only at an electronic mail address designated by the Board for such purpose, ILRB.Filing@illinois.gov, and will be served on all other parties via electronic mail subject to the following:
 - A) In cases where an employee subject to the designation is not represented by a collective bargaining representative, an employee filing exceptions under this section shall serve the exceptions upon the employer at its electronic mail address as indicated on the designation form.
 - B) In cases where an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing exceptions under this section shall serve the exceptions upon the employer at its electronic mail address as indicated on the designation form and on the collective bargaining representative at its electronic mail address as indicated on the designation form. A collective bargaining representative filing exceptions under this section shall serve the exceptions upon the employer at its electronic mail address as indicated on the designation form and on

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each employee whose position is the subject of the objection at his or her electronic mail address.

- e) Requests for postponements of hearings shall be filed in accordance with Section 100 of this Part. Requests for postponements of other deadlines, as well as requests for extensions for the filing of briefs or exceptions, must be made before the then existing deadlines. Except for good cause shown, no request for postponement will be granted on any of the 3 days immediately preceding the date of a hearing. For purposes of this Section, good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case. Such a request will only be granted in extraordinary circumstances after consideration of its potential impact on the Board's ability to meet the time requirements of the Act and limited to the following circumstances:
- 1) all requests must be in writing directed to the Board agent responsible for the proceeding;
 - 2) the grounds for the request must be set forth in detail;
 - 3) the requesting party must specify alternative dates for scheduling the hearing or conference or for the due date of any documents;
 - 4) the position of all parties concerning both the postponement or extension requested and the proposed alternative dates must be ascertained in advance by the requesting party and set forth in the request; and,
 - 5) the request is made for a continuance to a date and time certain; in no event shall an indefinite continuance be granted.

Section 1300.100 Motions
EMERGENCY

- a) In matters set for hearing, all motions must be filed with the assigned Administrative Law Judge via electronic mail to the electronic mail address provided by the Administrative Law Judge. Motions shall be simultaneously served on other parties via electronic mail at the electronic mail addresses specified by each party as follows:

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- 1) In cases where an employee subject to the designation is not represented by a collective bargaining representative, an employee filing a motion under this section shall serve the motion upon the employer at its electronic mail address as listed on the designation form.
 - 2) In cases where an employee subject to the designation is represented by a collective bargaining representative or is the subject of a petition for representation that is pending before the Board at the time of the filing of the designation, an employee filing a motion under this section shall serve the motion upon the employer at its electronic mail address as listed on the designation form and on the collective bargaining representative at its electronic mail address as listed on the designation form. A collective bargaining representative filing a motion under this section shall serve the motion upon the employer at its electronic mail address as listed on the designation form and on each employee whose position is the subject of the motion at his or her electronic mail address.
- b) Once the Administrative Law Judge's recommended decision and order has issued, all motions shall be filed with the Board by electronic mail only at an electronic mail address designated by the Board for such purpose, ILRB.Filing@illinois.gov, and simultaneously served on other applicable parties as described in Section 100(a)(1) and (2) of this Part.
- c) Motions must be made in writing via electronic mail unless made during the hearing, at which time the motions may be made verbally, on the record. Motions must briefly state the grounds for the motion and any relief requested.
- 1) Motions to extend the time for the filing of documents must contain a statement that the moving party discussed the requested extension with the other parties. If no objections were raised, the moving party must certify that the other parties were consulted and authorized the moving party to represent that they have no objections. If objections were raised, the moving party must describe those objections and its response. Motions to extend time filed in conjunction with hearings on gubernatorial designation of positions as excluded from collective bargaining will be granted only in extraordinary circumstances.
 - 2) Motions for continuance must contain a statement that the moving party consulted with the other parties to determine whether they have any

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objection to the requested continuance. Where there are no objections, the moving party must certify that it has consulted with the other parties and that they authorized the moving party to represent that they have no objections. Where objections are raised, the moving party must describe those objections and its response. The motion for continuance must contain a statement that the moving party contacted the other parties to determine their availability for hearing on subsequent dates and it must indicate those dates in the motion. Motions for continuance filed in conjunction with hearings on gubernatorial designation of positions as excluded from collective bargaining will be granted only in extraordinary circumstances.

- 3) At any time before the issuance of the recommended decision and order, a party may move to disqualify the Administrative Law Judge on the grounds of bias or conflict of interest. The motion shall be in writing to the General Counsel, with a copy to the Administrative Law Judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The General Counsel may decline to disqualify the Administrative Law Judge or may appoint another Administrative Law Judge to hear the case.
- d) Responses and any other answering documents, including memoranda and affidavits, must be filed within 3 days after service of the motion, or as otherwise required by the Administrative Law Judge or the Board. Responses must be filed with the assigned Administrative Law Judge via electronic mail to the electronic mail address provided by the Administrative Law Judge and will be served on all opposing parties via electronic mail at the electronic mail addresses specified by each party.
- e) Rulings on motions shall be made in writing and served on all parties to the proceeding. The Administrative Law Judge may reserve ruling on any motion until the issuance of a recommended decision and order. Motions and responses shall not serve to postpone or delay the proceedings.
- f) Rulings on motions are not appealable to the Board, unless as otherwise provided by the Board.

**Section 1300.110 Subpoenas
EMERGENCY**

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Following a notice of hearing on a designated position or positions, the Board, upon the request of an Administrative Law Judge or upon the written application of a party, shall have the power to issue subpoenas for witnesses and subpoenas for documents. Requests for subpoenas must be filed with the assigned Administrative Law Judge via electronic mail to the electronic mail address provided by the Administrative Law Judge and will be served on all opposing parties via electronic mail at the electronic mail addresses specified by each party.

a) Subpoenas for Witnesses

- 1) A party's written application for subpoenas for witnesses must be directed to the Administrative Law Judge, and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) the name of the person to be subpoenaed; and
 - D) the date, time and place of the appearance to be commanded.
- 2) Applications must be filed with the Administrative Law Judge and served on the other parties to the case at least 5 days before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request.
- 3) The party requesting the subpoenas shall be responsible for serving the subpoenas on the witnesses at least 3 days before the hearing date. The party requesting the subpoenas shall also be responsible for payment of the witness fees for attendance, subsistence and mileage. Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Fees and Salaries Act [705 ILCS 35/4.3]. The requesting party must tender all fees with the subpoena. A witness appearing at the request of the Board shall submit the subpoena with a voucher when claiming reimbursement.

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- 4) Board employees shall not be subpoenaed to testify regarding matters that occurred during their employment with the Board.
 - 5) Subpoenas shall remain in effect throughout the course of the proceedings.
- b) Subpoenas for Documents (Subpoena Duces Tecum)
- 1) A party's written application for subpoenas for documents must be directed to the Administrative Law Judge and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) a detailed description of the books, papers, documents or other objects to be produced pursuant to the subpoena;
 - D) the name of the person to be served with the subpoena; and
 - E) the date, time and place of production to be commanded.
 - 2) Applications must be filed with the Administrative Law Judge and served on the other parties to the case at least 5 days before the hearing. The date and time for production of documents may be before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas at least 3 days before the hearing date and 3 days before the date on which the documents are to be produced.
 - 4) Confidential Board documents as defined in 2 Ill. Adm. Code 2501.20(c) shall not be subpoenaed.
- c) Motions to Revoke Subpoenas

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A person objecting to the subpoena may file a motion to revoke the subpoena. The motion must be filed at least 1 day before the hearing and shall be filed with the Administrative Law Judge assigned to the case. Grounds for revocation shall include irrelevance, undue burden and privilege.

**Section 1300.120 Representation of Parties
EMERGENCY**

A party may be represented by counsel or any other representative of the party's choosing. The representative shall file a Notice of Appearance with the Board. Filing objections on behalf of a party shall be equivalent to filing a Notice of Appearance.

**Section 1300.130 Appeals Procedures, Board Review, and Court Review
EMERGENCY**

- a) Administrative Law Judge's Recommended Decision and Order
 - 1) Parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, not later than 3 days after service of the recommended decision and order. All exceptions shall be filed and served in accordance with Section 1300.90 of this Part. Each party shall serve its exceptions on the other parties. If the original exceptions are withdrawn, then all subsequent exceptions are moot. A party not filing timely exceptions waives its right to object to the Administrative Law Judge's recommended decision and order.
 - 2) Exceptions shall specifically set forth the questions of procedure, fact, law or policy to which exception is taken, shall identify that part of the Administrative Law Judge's recommended decision and order to which objection is made, and shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation that is not specifically urged shall be considered waived. Any exception that fails to comply with the foregoing requirements may be disregarded.
 - 3) Any brief in support of exceptions shall be confined to the subjects raised in the exceptions and shall contain:

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- A) a clear and concise statement of the case containing all that is material to the consideration of the questions presented;
 - B) a specification of the questions involved and the issues to be argued; and
 - C) an argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.
- 4) The Board will review the Administrative Law Judge's recommended decision and order upon timely filing of exceptions or at any time on its own motion. The Board may adopt all, part or none of the recommended decision and order depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision and order. If the gubernatorial designation is found to be proper by the Board in its decision and order, the Executive Director shall certify the position as a gubernatorial designation.
- 5) If no exceptions to the Administrative Law Judge's recommended decision and order have been filed within the prescribed time period, the parties will be considered to have waived their exceptions. Unless the Board reviews the recommended decision and order upon its own motion, it will not be legal precedent and shall be final and binding only on the parties to that proceeding. The Board's General Counsel shall issue an order so providing. If the gubernatorial designation is found to be proper by the Administrative Law Judge's recommended decision and order as supported by the General Counsel's order, the Executive Director shall certify the position as a gubernatorial designation.
- b) **Court Review of Board Orders**
A party aggrieved by a final order of the Illinois Labor Relations Board State Panel may obtain judicial review of that order in accordance with the Administrative Review Law [735 ILCS 5/Art. III], except that such review shall be afforded directly in the Appellate Court for the district in which the party resides or does business, in accordance with Section 11(e) of the Act.

Section 1300.140 Ex Parte Communications
EMERGENCY

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No party or other persons legally interested in the outcome of a hearing may communicate ex parte, either directly or indirectly, with an Administrative Law Judge or with any member of the Board regarding matters pending before the Board.

Section 1300.150 Variances and Suspensions of Rules**EMERGENCY**

The provisions of this Part may be waived or suspended by the Board or its Administrative Law Judge when it finds that:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by the granting of the variance; and
- c) application of the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.80	Amendment
310.610	Amendment
310.630	Amendment
310.640	Amendment
310.APPENDIX A TABLE W	Amendment
310.APPENDIX A TABLE X	Amendment
310.APPENDIX A TABLE AB	Repealed
- 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 (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310. 80, 310.610, 310.630 and 310.640 to reflect a Resolution Prior to Arbitration (Grievance Number 6263-0132-12 (371934) Statewide FY13 Step Increases) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed April 17, 2013. The Resolution agrees to pay all eligible employees represented by the CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063 bargaining units a step increase on their creditable service date beginning with Fiscal Year 2013 including those in the Departments of Corrections, Human Services, Juvenile Justice, Natural Resources or Public Health or the Human Rights Commission referenced in Section 310.600.

CMS is amending Sections 310.Appendix A Tables W and X and repealing the Section 310.Appendix A Table AB to reflect a Memorandum of Understanding (MOU) between the State of Illinois and AFSCME signed March 22, 2013. The MOU references the abolishment of the RC-150 bargaining unit, removes the assignment of RC-150-24 pay grade to the Public Service Administrator (PSA) title Option 6 positions and assigns each PSA title Option 6 position to either the RC-062-24 or RC-063-24 pay grades. No salary change is due to the MOU because the rates in the pay grades are the same.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

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- 6) Effective Date: April 18, 2013
- 7) A Complete Description of the Subjects and Issues Involved: In the Table of Contents, the heading for Section 310.Appendix A Table AB indicates that the Section is repealed.

The changes to Sections 310.80(a)(1), (2) and (3), 310.610(b), 310.630 and 310.640 include, effective April 17, 2013, employees in or between July 1, 2012 and April 17, 2013 separated from positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).

In Sections 310.Appendix A Tables W and X, Option 6 is added to the Public Service Administrator title positions assigned to the RC-062-24 or RC-063-24 pay grade, respectively.

Section 310.Appendix A Table AB is repealed.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: April 18, 2013
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.45	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.47	Amendment	37 Ill. Reg. 3462, March 29, 2013
315.50	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.130	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.220	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.410	Amendment	37 Ill. Reg. 3462, March 29, 2013

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310.500	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table A	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table C	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table G	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table J	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table S	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table W	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix A Table AD	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix B Table C	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix B Table J	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix B Table S	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix B Table W	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix B Table AD	Amendment	37 Ill. Reg. 3462, March 29, 2013
310.Appendix C	New	37 Ill. Reg. 3462, March 29, 2013
310.Appendix C Illustration A	New	37 Ill. Reg. 3462, March 29, 2013
310.Appendix C Illustration B	New	37 Ill. Reg. 3462, March 29, 2013
310.Appendix C Illustration C	New	37 Ill. Reg. 3462, March 29, 2013

13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory rulemaking shall be directed to:

Mr. Jason Doggett, Manager
 Compensation Section
 Division of Technical Services and Agency Training and Development
 Bureau of Personnel
 Department of Central Management Services
 504 William G. Stratton Building
 Springfield IL 62706

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
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 (Repealed)
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 (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
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 (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
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 Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section

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310.600	Jurisdiction
310.610	Pay Schedules
310.620	In-Hiring Rate
310.630	Definitions
310.640	Increases in Pay
310.650	Other Pay Provisions
310.660	Effective Date
310.670	Negotiated Rate
310.680	Trainee Rate
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)

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310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)

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310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9

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Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 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; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired 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;

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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 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 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,

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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 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

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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, 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

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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. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory

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amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory

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amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory

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amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013.

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and without a negotiated provision in the currently effective bargaining unit agreement, increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
 - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Effective July 1, 2012, the satisfactory performance increases are suspended. Effective April 17, 2013, employees in positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they

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are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).

- 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached. Effective July 1, 2012, the satisfactory performance increases are suspended. Effective April 17, 2013, employees in positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).
 - 3) No satisfactory performance increase may be given after the effective date of separation. The exception is an employee in a position represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) who separated during Fiscal Year 2013 between July 1, 2012 and April 17, 2013 and who otherwise would receive a satisfactory performance or step increase based on subsection (a)(1) and (2).
- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.

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- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.

- d) Other Pay Increases –
 - 1) Promotion –
 - A) Standard Procedures –
 - i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
 - ii) From Step 8 – The employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between Step 7 and Step 8 in the former pay grade. To compute this, add the dollar difference between Step 7 and Step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.

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- B) Exception – Any deviation is a special salary adjustment (see subsection (e)).
- 2) Reallocation –
- A) Standard Procedures –
 - i) From Other Than Step 8 – Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
 - ii) From Step 8 – When an employee is reallocated from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.
 - B) Exception – Any deviation is a special salary adjustment (see subsection (e)).
- 3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date if the increase is less than one step for the bargaining unit employees.
- 4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the

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conditions and requirements applicable to promotions (see subsection (d)(1)).

- 5) **Reclassification** – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.
- e) **Adjustment** – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments shall have the prior approval of the Director of Central Management Services. An adjustment at the time of entrance into State government shall have supporting documentation in the candidate's CMS employment application (CMS-100). In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services shall consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The Director of Central Management Services' approval of an adjustment at the time of entrance into State government shall be based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. The adjustment shall not change the creditable service date if the increase is less than one step for the bargaining unit employees.

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section 310.610 Pay Schedules

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- a) Rates of Pay Location in Pay Plan –
- 1) Pay Grades and Base Salaries – The attached Frozen Negotiated-Rates-of-Pay (Appendix B) is a part of this Part. Each employee shall be paid at a base salary rate of pay or step in the appropriate pay grade in the Frozen Negotiated-Rates-of-Pay (Appendix B) for the position in which the employee is employed unless the employee receives a rate that is red-circled (Section 310.220(f)) then that is the employee's base salary.
 - 2) Extracurricular Activity Rate of Pay – Educators represented by the HR-010 bargaining unit shall receive the increase in pay for extracurricular activity effective August 16, 2011 provided for in the HR-010 bargaining unit agreement and listed in Appendix A Table U.
- b) Pay Limitations – No general increase, satisfactory performance increase or step increase, lane advancement, extended service or longevity advancement or supervisory enhancement shall be implemented for the employees (Section 310.600) effective July 1, 2011. Effective April 17, 2013, employees in, or separated between July 1, 2012 and April 17, 2013 from, positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

Section 310.630 Definitions

The following definitions of terms are for the purpose of clarification only. The definitions affect the Frozen Negotiated-Rates-of-Pay (Appendix B).

"Base Salary" – A dollar amount of pay specifically designated in the Frozen Negotiated-Rates-of-Pay (Appendix B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked. No increase or advancement in extended service or longevity pay shall be implemented for the employees

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(Section 310.600) assigned to Frozen Negotiated-Rates-of-Pay (Appendix B).

"Frozen" – Due to insufficient fiscal year 2012 appropriation and expired salary schedules in collective bargaining unit agreements, a negotiated pay provision unauthorized to be implemented in accordance with an agreement between the State of Illinois and a bargaining unit effective during the fiscal year. Where this occurs, end of the Fiscal Year 2011 negotiated rates of pay are maintained.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.) No satisfactory performance increase shall be implemented for the employees (Section 310.600) assigned to Frozen Negotiated-Rates-of-Pay (Appendix B). Effective April 17, 2013, employees in, or separated between July 1, 2012 and April 17, 2013 from, positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

Section 310.640 Increases in Pay

For employees (Section 310.600) occupying positions paid in conformance with Frozen Negotiated-Rates-of-Pay (Appendix B), no satisfactory performance increase shall be implemented effective July 1, 2012 and throughout Fiscal Year 2013. Effective April 17, 2013, employees in, or separated between July 1, 2012 and April 17, 2013 from, positions represented by an American Federation of State, County and Municipal Employees bargaining unit (CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062 and RC-063) receive satisfactory performance or step increases that they are or would have been eligible for during Fiscal Year 2013 (July 1, 2012 through June 30, 2013).

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

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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>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Activity Therapist Supervisor	00163	RC-062	20
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22

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Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Cancer Registrar II	05952	RC-062	16
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18

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Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17

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Economic Development Representative II	12932	RC-062	19
Educational Diagnostician	12965	RC-062	12
Educator – Provisional	13105	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20

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Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Gaming Licensing Analyst	17171	RC-062	13
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Mediator	19771	RC-062	17
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16

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Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
International Marketing Representative I, Department of Agriculture	21761	RC-062	14
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14

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Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12

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Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2, <u>6</u> , 7 Gaming Board	37015	RC-062	24

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and Departments of Healthcare and Family Services and
Revenue, 8C, 8F executive chief pilot function Department
of Transportation, 9A and 9B

Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29)	38369	RC-062	27
Revenue Audit Supervisor (See Note)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21)	38371	RC-062	19
Revenue Auditor I (See Note)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Revenue Auditor II (states other than IL and not assigned to RC-062-24)	38372	RC-062	22
Revenue Auditor II (See Note)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26)	38373	RC-062	24
Revenue Auditor III (See Note)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062	13
Revenue Auditor Trainee (See Note)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Senior Public Service Administrator, Option 7 Gaming Board and Department of Revenue	40070	RC-062	26
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15

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Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: The positions allocated to the Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the following Options: 2; 6; 7; 8B; 8C; 8F; 8Y; 8Z; 9A; and 9B. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the Option 7. See the definition of option in Section 310.50.

For the Revenue Tax Specialist II position classification title only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist position classification titles only – Effective July 1, 2010, State employees appointed to positions allocated to the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist classifications shall be assigned to the pay grades:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Audit Supervisor, RC-062-29
 Revenue Auditor I, RC-062-21
 Revenue Auditor II, RC-062-24
 Revenue Auditor III, RC-062-26
 Revenue Auditor Trainee, RC-062-25
 Revenue Computer Audit Specialist, RC-062-27

if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia.

Effective July 1, 2011
Bargaining Unit: RC-062

For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3096	3192	3294	3396	3505	3608	3779	3930
09	Q	3222	3320	3428	3533	3648	3757	3937	4096
09	S	3288	3389	3498	3606	3722	3830	4012	4173
10	B	3195	3313	3410	3523	3634	3746	3938	4097
10	Q	3324	3445	3550	3671	3785	3904	4112	4276
10	S	3393	3514	3622	3741	3857	3983	4188	4355
11	B	3314	3426	3536	3665	3785	3903	4110	4274
11	Q	3447	3570	3686	3818	3946	4070	4290	4461
11	S	3515	3639	3756	3891	4020	4147	4367	4540
12	B	3447	3574	3690	3828	3954	4100	4320	4491
12	Q	3588	3721	3844	3992	4127	4277	4511	4691
12	S	3658	3792	3916	4068	4206	4357	4591	4775

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

12H	B	21.21	21.99	22.71	23.56	24.33	25.23	26.58	27.64
12H	Q	22.08	22.90	23.66	24.57	25.40	26.32	27.76	28.87
12H	S	22.51	23.34	24.10	25.03	25.88	26.81	28.25	29.38
13	B	3577	3708	3849	3993	4138	4294	4532	4713
13	Q	3725	3861	4013	4171	4323	4482	4737	4926
13	S	3796	3936	4091	4250	4399	4563	4818	5011
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
14H	B	22.95	23.82	24.75	25.84	26.78	27.80	29.42	30.59
14H	Q	23.93	24.84	25.85	26.97	27.98	29.05	30.74	31.96
14H	S	24.37	25.33	26.31	27.45	28.47	29.55	31.23	32.46
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833
16H	B	24.98	26.09	27.26	28.38	29.57	30.75	32.57	33.86
16H	Q	26.06	27.26	28.49	29.67	30.89	32.13	34.04	35.42
16H	S	26.57	27.74	28.98	30.18	31.39	32.64	34.52	35.90
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	B	4716	4957	5191	5430	5661	5897	6256	6506
19	J	4716	4957	5191	5430	5661	5897	6256	6506
19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881
20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	U	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709
24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	J	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	J	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	U	7143	7535	7936	8336	8725	9117	9705	10093

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

26	Q	7488	7894	8312	8732	9141	9549	10167	10574
27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	J	7627	8042	8466	8894	9312	9730	10358	10773
27	U	7627	8042	8466	8894	9312	9730	10358	10773
28	B	8002	8435	8883	9333	9771	10208	10869	11306
29	U	8397	8853	9321	9795	10253	10713	11406	11862

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3156	3254	3358	3462	3573	3678	3853	4007
09	Q	3285	3385	3495	3603	3719	3830	4014	4177
09	S	3353	3456	3566	3676	3795	3905	4090	4255
10	B	3257	3378	3477	3592	3706	3820	4015	4178
10	Q	3389	3512	3619	3743	3859	3980	4192	4360
10	S	3459	3583	3693	3815	3932	4061	4270	4441
11	B	3379	3493	3606	3737	3859	3979	4190	4358
11	Q	3514	3640	3759	3893	4024	4150	4374	4549
11	S	3584	3711	3829	3968	4099	4229	4452	4629
12	B	3514	3644	3763	3903	4031	4181	4404	4579
12	Q	3659	3794	3920	4071	4208	4361	4600	4783
12	S	3729	3867	3993	4148	4289	4443	4681	4868
12H	B	21.62	22.42	23.16	24.02	24.81	25.73	27.10	28.18
12H	Q	22.52	23.35	24.12	25.05	25.90	26.84	28.31	29.43
12H	S	22.95	23.80	24.57	25.53	26.39	27.34	28.81	29.96

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	B	3647	3780	3925	4072	4219	4378	4621	4806
13	Q	3798	3936	4091	4253	4408	4570	4830	5022
13	S	3871	4013	4171	4334	4486	4653	4913	5110
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
14H	B	23.40	24.29	25.24	26.35	27.30	28.34	29.99	31.19
14H	Q	24.39	25.32	26.36	27.50	28.53	29.62	31.35	32.59
14H	S	24.84	25.82	26.83	27.99	29.03	30.13	31.84	33.10
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948
16H	B	25.46	26.60	27.79	28.94	30.15	31.35	33.21	34.53
16H	Q	26.57	27.79	29.05	30.25	31.50	32.76	34.71	36.11
16H	S	27.08	28.29	29.56	30.78	32.01	33.28	35.19	36.60
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	J	4809	5054	5293	5537	5772	6012	6378	6633

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448
21	U	5365	5642	5914	6190	6472	6741	7162	7448
21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871
22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880
24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	J	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	J	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	U	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
27	B	7776	8199	8632	9069	9494	9921	10561	10984

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

27	J	7776	8199	8632	9069	9494	9921	10561	10984
27	U	7776	8199	8632	9069	9494	9921	10561	10984
28	B	8159	8601	9057	9516	9962	10408	11082	11527
29	U	8561	9026	9504	9987	10454	10923	11629	12094

Effective January 1, 2012
Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	S T E P S							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3135	3232	3335	3438	3549	3653	3826	3979
09	Q	3262	3362	3471	3577	3694	3804	3986	4147
09	S	3329	3431	3542	3651	3769	3878	4062	4225
10	B	3235	3354	3453	3567	3679	3793	3987	4148
10	Q	3366	3488	3594	3717	3832	3953	4163	4329
10	S	3435	3558	3667	3788	3905	4033	4240	4409
11	B	3355	3469	3580	3711	3832	3952	4161	4327
11	Q	3490	3615	3732	3866	3995	4121	4344	4517
11	S	3559	3684	3803	3940	4070	4199	4422	4597
12	B	3490	3619	3736	3876	4003	4151	4374	4547
12	Q	3633	3768	3892	4042	4179	4330	4567	4750
12	S	3704	3839	3965	4119	4259	4411	4648	4835
12H	B	21.48	22.27	22.99	23.85	24.63	25.54	26.92	27.98
12H	Q	22.36	23.19	23.95	24.87	25.72	26.65	28.10	29.23
12H	S	22.79	23.62	24.40	25.35	26.21	27.14	28.60	29.75
13	B	3622	3754	3897	4043	4190	4348	4589	4772

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	Q	3772	3909	4063	4223	4377	4538	4796	4988
13	S	3843	3985	4142	4303	4454	4620	4878	5074
14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259
14	S	4010	4167	4329	4517	4685	4862	5138	5341
14H	B	23.24	24.12	25.06	26.16	27.11	28.14	29.78	30.97
14H	Q	24.23	25.14	26.18	27.30	28.33	29.42	31.13	32.36
14H	S	24.68	25.64	26.64	27.80	28.83	29.92	31.62	32.87
15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906
16H	B	25.29	26.42	27.59	28.73	29.94	31.13	32.97	34.29
16H	Q	26.39	27.59	28.84	30.04	31.28	32.53	34.47	35.86
16H	S	26.90	28.09	29.35	30.56	31.78	33.05	34.95	36.34
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	J	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	U	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818
24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	J	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	J	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	U	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	J	7722	8143	8572	9005	9428	9852	10487	10908
27	U	7722	8143	8572	9005	9428	9852	10487	10908

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

28	B	8102	8540	8994	9450	9893	10336	11005	11447
29	U	8502	8964	9438	9917	10381	10847	11549	12010

Effective February 1, 2012
Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	S T E P S							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3198	3297	3402	3507	3620	3726	3903	4059
09	Q	3327	3429	3540	3649	3768	3880	4066	4230
09	S	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3433	3558	3666	3791	3909	4032	4246	4416
10	S	3504	3629	3740	3864	3983	4114	4325	4497
11	B	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3630	3758	3879	4019	4151	4283	4510	4689
12	B	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3778	3916	4044	4201	4344	4499	4741	4932
12H	B	21.91	22.71	23.45	24.33	25.13	26.06	27.45	28.54
12H	Q	22.81	23.65	24.43	25.37	26.23	27.18	28.66	29.82
12H	S	23.25	24.10	24.89	25.85	26.73	27.69	29.18	30.35
13	B	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3920	4065	4225	4389	4543	4712	4976	5175

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
14H	B	23.70	24.60	25.56	26.68	27.65	28.70	30.38	31.59
14H	Q	24.71	25.65	26.70	27.85	28.90	30.01	31.75	33.01
14H	S	25.17	26.15	27.18	28.35	29.41	30.52	32.25	33.53
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4458	4655	4864	5065	5268	5477	5793	6024
16H	B	25.80	26.95	28.15	29.30	30.54	31.75	33.63	34.97
16H	Q	26.92	28.15	29.42	30.65	31.91	33.18	35.16	36.58
16H	S	27.43	28.65	29.93	31.17	32.42	33.70	35.65	37.07
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	J	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	B	5435	5715	5991	6270	6555	6829	7255	7544
21	U	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	J	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769
25	J	6915	7291	7677	8060	8442	8827	9393	9769
25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298
26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	U	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	J	7876	8306	8743	9185	9617	10049	10697	11126
27	U	7876	8306	8743	9185	9617	10049	10697	11126
28	B	8264	8711	9174	9639	10091	10543	11225	11676
29	U	8672	9143	9627	10115	10589	11064	11780	12250

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Health Educator	36430	RC-063	19
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6, 6E, 7 Criminal Justice Information Authority, 8A Department of Public Health, 8E, 8N, 8S Departments of Human Services and Veterans' Affairs and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Options 4 Departments of Public Health, Human Services and Commerce and Economic Opportunity and Environmental Protection Agency, 8E and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8S; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated pay grade have the Options 8E, 8H and 8P. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: RC-063

For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484
19	B	4716	4957	5191	5430	5661	5897	6256	6506

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881
20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709
24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	Q	7488	7894	8312	8732	9141	9549	10167	10574
26	S	7558	7969	8393	8816	9227	9641	10268	10678
27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	Q	7971	8405	8847	9300	9734	10171	10828	11261

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871
22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880
24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
26	S	7706	8126	8557	8989	9408	9830	10470	10888
27	B	7776	8199	8632	9069	9494	9921	10561	10984
27	Q	8128	8570	9021	9483	9925	10371	11041	11482

Effective January 1, 2012
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	S	4010	4167	4329	4517	4685	4862	5138	5341
15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361

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23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818
24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
26	S	7652	8069	8498	8926	9342	9762	10396	10811
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	Q	8071	8510	8958	9416	9856	10298	10963	11402

Effective February 1, 2012**Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16	S	4458	4655	4864	5065	5268	5477	5793	6024
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512
21	B	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298
26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
26	S	7805	8230	8668	9105	9529	9957	10604	11027
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	Q	8232	8680	9137	9604	10053	10504	11182	11630

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE AB RC-150 (Public Service Administrators Option 6, AFSCME)**
(Repealed)

Title	Title Code	Bargaining Unit	Pay Grade
Public Service Administrator, Option 6	37015	RC-150	24

~~Bargaining Unit: RC-150~~**~~Effective June 28, 2012~~**

Pay Grade	Pay Plan Code	STEPS							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600

~~NOTE: The Illinois Labor Relations Board issued a Certification of Unit Clarification on June 29, 2012. The Clarification abolishes the RC-150 bargaining unit for the Public Service Administrator title Option 6 positions and includes the Public Service Administrator title Option 6 positions in either the RC-062 or RC-063 bargaining unit. Until a Memorandum of Understanding assigns rates within the RC-062 and RC-063 bargaining units, the employees appointed to positions with a work location not at the Departments of Corrections, Human Services, Juvenile Justice, Natural Resources or Public Health or Human Rights Commission and allocated to the Public Service Administrator title Option 6 positions formerly represented by the RC-150 are paid at the RC-150 rates that were effective June 28, 2012.~~

(Source: Repealed by peremptory rulemaking at 37 Ill. Reg. 5925, effective April 18, 2013)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

- 1) Heading of the Part: Lekoteks
- 2) Code Citation: 89 Ill. Adm. Code 899
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
899.10	Repeal
899.20	Repeal
899.30	Repeal
899.40	Repeal
- 4) Date Notice of Proposed Repealer Published in the *Illinois Register*: July 27, 2012; 36 Ill. Reg. 11888
- 5) Reason for the Withdrawal: Section 3c of the Disabled Persons Rehabilitation Act [20 ILCS 2405] continues to require DHS to administer the Lekotek program.

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Register Citation to Notice of Proposed Amendments: 37 Ill. Reg. 2637; March 8, 2013
- 4) Date, Time and Location of Public Hearing: A webinar will be held from 10 a.m. to 1:30 p.m. on May 7, 2013. Participants may register for the webinar <https://www1.gotomeeting.com/register/546720104>. Space is limited to 1,000 participants. System requirements for participating in the webinar include the following.
 - PC-based attendees: Windows® 7, Vista, XP or 2003 Server;
 - Mac®-based attendees: Mac OS® X 10.6 or newer; or
 - Mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet.

On-site public hearings will be held at the following times and locations.

May 6, 2013
6:00 p.m. to 9:00 p.m.
Southeast High School Auditorium
2350 E Ash St
Springfield, IL 62703

May 8, 2013
6:00 p.m. to 9:00 p.m.
SIU – Carbondale Student Center
1255 Lincoln Drive
Ballroom C
Carbondale, Illinois

May 9, 2013
6:00 p.m. to 9:00 p.m.
Elgin Community College
1700 Spartan Drive
E 125, Seigle Auditorium
Elgin, Illinois

- 5) Other Pertinent Information: Participants should be prepared to indicate whether their remarks address class size for general education classrooms, class size for self-contained special education classrooms, or both. Speakers are asked to provide a written version of

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

their comments to Illinois State Board of Education staff before making their remarks. Speakers will be limited to five minutes to present their testimony.

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 April 16, 2013 through April 22, 2013. The rulemakings are scheduled for review at the Committee's May 14, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
5/30/13	<u>Department of Healthcare and Family Services</u> , Child Support Services (89 Ill. Adm. Code 160)	1/25/13 37 Ill. Reg. 661	5/14/13
5/30/13	<u>Department of Financial and Professional Regulation</u> , Administrative Procedures for General Professional Regulation under the Administrative Code (68 Ill. Adm. Code 1130)	2/22/13 37 Ill. Reg. 2405	5/14/13
5/31/13	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	12/18/12 36 Ill. Reg. 18170	5/14/13
5/31/13	<u>State Board of Education</u> , Payments to Certain Facilities under Section 14-7.05 of the School Code (23 Ill. Adm. Code 405)	2/8/13 37 Ill. Reg. 1569	5/14/13
5/31/13	<u>State Board of Education</u> , Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)	2/8/13 37 Ill. Reg. 1575	5/14/13
5/31/13	<u>State Board of Education</u> , Class Size Reduction Grants (23 Ill. Adm. Code 565)	2/8/13 37 Ill. Reg. 1580	5/14/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/2/13	<u>Department of Central Management Services</u> , Auto Liability (80 Ill. Adm. Code 3100)	3/1/13 37 Ill. Reg. 2525	5/14/13
6/2/13	<u>Illinois Commerce Commission</u> , Standards of Service Applicable to 9-1-1 Emergency Systems (Repealer) (83 Ill. Adm. Code 725)	7/6/12 36 Ill. Reg. 9493	5/14/13
6/2/13	<u>Illinois Commerce Commission</u> , Standards of Service Applicable to 9-1-1 Emergency Systems (83 Ill. Adm. Code 725)	7/6/12 36 Ill. Reg. 9539	5/14/13
6/2/13	<u>Pollution Control Board</u> , Water Quality Standards (35 Ill. Adm. Code 302)	2/22/13 37 Ill. Reg. 2436	5/14/13
6/5/13	<u>Department of Human Services</u> , Definition of Terms (89 Ill. Adm. Code 751)	10/5/12 36 Ill. Reg. 14546	5/14/13
6/5/13	<u>Department of Human Services</u> , Special Education Program and Services (89 Ill. Adm. Code 765)	10/5/12 36 Ill. Reg. 14553	5/14/13
6/5/13	<u>Department of Human Services</u> , Identification, Evaluation, and Placement of Students (89 Ill. Adm. Code 795)	10/5/12 36 Ill. Reg. 14572	5/14/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PEREMPTORY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: AIDS Drug Assistance Program

Code Citation: 77 Ill. Adm. Code 692

Section Numbers: 692.Appendix A

Date Originally Published in the Illinois Register: 3/1/13
37 Ill. Reg. 2563

At its meeting on April 16, 2013, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department take more care in the future to only use peremptory rulemaking in those instances specifically authorized by Section 5-50 of the Administrative Procedure Act.

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.

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED REPEALER

Heading of Part: Lekoteks

Code Citation: 89 Ill. Adm. Code 899

Section Numbers: 899.10 899.20 899.30 899.40

Date originally published in the *Illinois Register*: July 27, 2012; 36 Ill. Reg. 11888

Agency Response to Specific Joint Committee Objection to Emergency Rulemaking:

At the February, 6, 2013 meeting, the Joint Committee on Administrative Rules objected to DHS' proposed repealer of its rules titled "Lekoteks" (89 Ill. Adm. Code 899; 36 Ill. Reg. 11888) because Section 3c of the Disabled Persons Rehabilitation Act [20 ILCS 2405] continues to require DHS to administer the Lekotek program.

The Department of Human Services has reviewed the Objection from the Joint Committee on Administrative Rules regarding the above-referenced proposed repealer. The Department will respectfully withdraw this rulemaking in response to the Objection given by JCAR until we can revise the statutory authority.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

Code Citation: 44 Ill. Adm. Code 10

Section Numbers: 10.10 10.101 10.103 10.200
10.100 10.102 10.104

Date Originally Published in the Illinois Register: 3/29/13
37 Ill. Reg. 3885

At its meeting on April 16, 2013, the Joint Committee on Administrative Rules objected to the Department of Central Management Services' use of emergency rulemaking to adopt rules titled Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10; 37 Ill. Reg. 3885 - 3/29/13) because any emergency situation that has arisen is due to the agency's tardiness in proposing rules to implement Sections 4(d) (2009) and 8c (1989) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period January 1, 2013, through March 31, 2013.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006; 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011; 35 Ill. Reg. 8574, June 3, 2011; 35 Ill. Reg. 12835, July 29, 2011; 35 Ill. Reg. 18973, November 14, 2011; 36 Ill. Reg. 3977, March 9, 2012; 36 Ill. Reg. 8521, June 8, 2012; 36 Ill. Reg. 13326, August 17, 2012; 36 Ill. Reg. 16406, November 16, 2012, and 37 Ill. Reg. 2735, March 8, 2013; amended at 37 Ill. Reg. _____, effective _____.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) waters are listed below. General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrolein	CAS #107-02-8
Acute criterion: 2.7 µg/l	Chronic criterion: 0.22 µg/l
Date criteria calculated: February 1999; reviewed January 2008	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Chemical: Acrylonitrile CAS #107-13-4 Acute criterion: 910 ug/l Chronic criterion: 73 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Aniline CAS #62-53-3 Acute criterion: 120 ug/l Chronic criterion: 15 ug/l Date criteria calculated: July 24, 1998; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Anthracene CAS #120-12-7 Acute criterion: 0.66 ug/L Chronic Criterion: 0.53 ug/L Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993, revised May 30, 2007 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999</p>

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.
Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7 Human health criterion (HNC): 1.9 ug/l Date criteria derived: February, 1999; reviewed: June 2009 Applicable waterbodies: Not used during this period.
Chemical: Bromodichloromethane CAS #75-27-4 Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13 ug/l Date criteria derived: February 1, 1999 Applicable waterbodies: Not used during this period.
Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.
Chemical: 2-Chloroaniline CAS #95-51-2 Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: 4-Chloroaniline CAS #106-47-8 Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.
Chemical: Chlorobenzene CAS #108-90-7 Acute criterion: 990 ug/l Chronic criterion: 79 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.
Chemical: Chloroethane CAS #75-00-3 Acute criterion: 13 mg/l Chronic criterion: 1 mg/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.
Chemical: Chloromethane CAS #74-87-3

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-D	CAS #94-75-7
Acute criterion: 100 ug/l	Chronic criterion: 8 ug/l
Date criteria derived: July 1, 1993; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HTC): 110 ug/l	
Non-primary contact: 120 ug/l	
Public and food processing water supply: 6.6 ug/l	
Date criteria derived: March 20, 1992; revised May 04, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethylene	CAS #540-59-0
Acute criterion: 14 mg/l	Chronic criterion: 1.1 mg/l
Date criteria derived: November 18, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: trans-1,2-dichloroethylene	CAS #156-60-5
Human health criterion (HTC): 34 mg/l	
Date criteria derived: February 1, 1999; reviewed December 2, 2010	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	

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Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic)	
Applicable waterbodies: Not used during this period.	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Indeno(1,2,3-cd)pyrene	CAS #193-39-5
Human health criterion (HNC): 0.16 ug/l	
Date criteria calculated: February, 1992, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 330 ug/l	
Non-primary contact: 490 ug/l	
Public and food processing water supply: 4.6 ug/l	
Date criteria derived: January 21, 1992; revised November 25, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	

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Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 5.4 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Metolachlor	CAS #51218-45-2
Acute criterion: 380 ug/l	Chronic criterion: 30.4 ug/l
Date criteria derived: February 25, 1992; revised October 1, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: PCBs	CAS #1336-36-3
Human health criterion (HNC): 0.056 ng/l	
Non-primary contact: 0.056 ng/l	
Public and food processing water supply: 0.056 ng/l	
Date criteria derived: December 6, 2011	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	CAS #87-86-5
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	

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Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #115-07-1 Chronic criterion 0.40 mg/l
Chemical: Pyrene Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Styrene Acute criterion: 2.5 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009 Applicable waterbodies: Not used during this period.	CAS #120-42-5 Chronic criterion: 0.2 mg/L
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: Thallium Acute criterion: 86 ug/l Human health criterion (HTC): 3.0 ug/l Non-primary contact: 3.0 ug/l Public and food processing water supply: 1.2 ug/l Date criteria derived: October 22, 2007; revised November 18, 2008 Applicable waterbodies: Not used during this period.	CAS #7440-28-0 Chronic criterion: 11 ug/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane	CAS #71-55-6

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Acute criterion: 4,900 ug/l	Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,2-trichloroethane	CAS #79-00-5
Acute criterion: 19 mg/l	Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l	
Date criteria derived: December 13, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Trichloroethylene	CAS #79-01-6
Acute criterion: 12,000 ug/l	Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l	
Non-primary contact: 26 ug/l	
Public and food processing water supply: 2.5 ug/l	
Date criteria derived: October 23, 1992; revised November 18, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trimethylbenzene	CAS #95-63-6
Acute criterion: 360 ug/l	Chronic criterion: 29 ug/l
Date criteria derived: July 15, 1998; reviewed December 2, 2010	
Applicable waterbodies: Not used during this period.	
Chemical: Vinyl chloride	CAS #75-01-4
Acute criterion: 22 mg/l	Chronic criterion: 1.7 mg/l
Human health criterion (HNC): 1.5 ug/l	
Non-primary contact: 2 ug/l	
Public and food processing water supply: 0.025 ug/l	
Date criteria derived: October 23, 1992; revised January 23, 2007; revised November 17, 2008	
Applicable waterbodies: Not used during this period.	

Lake Michigan Basin Criteria

Chemical: Antimony	CAS #7440-36-0
<u>Aquatic Life Criteria:</u>	
Acute criterion: 470 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: September 29, 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Bis(2-ethylhexyl)phthalate	CAS #117-81-7

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<p><u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l Chronic criterion: 17 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 2.8 ug/l Non-drinking water: 3.2 ug/l</p> <p>Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloroethylene CAS #540-59-0</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l</p> <p>Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Methylene Chloride CAS #75-09-2</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 47 ug/l Non-drinking water: 2,600 ug/l</p> <p>Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Thallium CAS #7440-28-0</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 54 ug/l Chronic criterion: 15 ug/l</p> <p><u>Human Health Threshold Criteria:</u> Public and food processing water supply: 1.3 ug/l Non-drinking water: 3.7 ug/l</p> <p>Date criteria derived: June 20, 2006; revised November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Vinyl Chloride CAS #75-01-4</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l</p> <p>Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.</p>

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LISTING OF DERIVED WATER QUALITY CRITERIA

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

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Illinois Environmental Protection Agency
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1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

217/558-2012

PROCLAMATIONS

2013-161**GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall moved through Illinois on April 15-18, 2013. The water levels on the Illinois, Fox, Des Plaines, and Mississippi Rivers are continuing to rise and have caused substantial flooding throughout many counties in the State. The flooding has resulted in significant property damage to homes and businesses, power outages, and the closure of hundreds of interstate, state and local roadways. The flooding of transportation routes has caused a disruption of essential services and is a threat to public health and safety. Also, on April 18, 2013 the same storm system produced high straight-line winds, causing property damage and power outages in Champaign County.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Adams, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Cook, DeKalb, DuPage, Fulton, Greene, Grundy, Hancock, Henderson, Henry, Jersey, Jo Daviess, Kane, Kendall, Lake, LaSalle, Marshall, Mason, McHenry, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Tazewell, Whiteside, Will, Winnebago and Woodford Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Issued by the Governor: April 18, 2013

Filed by the Secretary of State: April 19, 2013

2013-162**GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall have moved through Illinois on April 15-18, 2013, causing significant flooding throughout the State. The flooding has resulted in property damage to homes and businesses, power outages, and the closure of roadways. The flooding of

PROCLAMATIONS

transportation routes has caused a disruption of essential services and is a threat to public health and safety. Some residents of Douglas County were evacuated by boat due to the severe flooding. In McDonough County, the Macomb water treatment plant flooded, causing a boil order. Also, Knox and Livingston Counties have experienced flooding problems.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Douglas, Knox, Livingston and McDonough Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: April 20, 2013

Filed: April 22, 2013

2013-163**GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall have moved through Illinois on April 15-18, 2013, causing significant flooding throughout the State. The flooding has resulted in property damage to homes and businesses and the closure of roadways. The flooding of transportation routes has caused a disruption of essential services and is a threat to public health and safety. In Ogle County, flooding along the Rock River necessitated the evacuation of several residential subdivisions. Stark County has also experienced flooding problems.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Ogle and Stark Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and

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recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: April 21, 2013

Filed: April 22, 2013

ILLINOIS ADMINISTRATIVE CODE
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