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# REGISTER



**JIM EDGAR**  
Secretary of State

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Springfield, IL 62756

(217) 782-9786

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official source for publishing public notices of State governmental agencies. The table of contents is arranged categorically by rulemaking activity and activity by State agency within each category. Rules, including the emergency or proposed activity categories of proposed or revised rules, are included in the Executive Order and Priority (meeting agendas, State of Objectives or Rules) or Rules Index listing alphabetically by agency the Part (sets of rules) on which the Register contains a Code, in the Code Section (including volume and a Sections Affected Index listing, by Title of the Illinois Code, in the Code volume Both indices are attached and are designed to aid the public in interpreting the rules.

The Register will serve as the update to the Illinois Administrative Code a compilation of the real accounting of the rules. The monthly rate of the Code along with the Register comprises the monthly cost of State agencies. The monthly rate of the Code along with the Register comprises the monthly cost of State agencies.

The Illinois Register is the property of the State of Illinois granted by the authority of the Illinois Constitution. At (Ill. Rev. Stat. 1985, ch 127, par 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

NOTICE OF PROPOSED AMENDMENTS

310.230	Amended		13 111. Reg. 17521 (November 17, 1989)
310.280	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table D	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table E	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table F	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table J	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table O	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table P	Amended		13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table S	Amended		13 111. Reg. 17521 (November 17, 1989)
310. Appendix B	Amended		13 111. Reg. 17521 (November 17, 1989)

10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

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

Mr. Michael Murphy  
 Department of Central Management Services  
 Division of Technical Services  
 504 William G. Stratton Building  
 Springfield, Illinois 61706  
 Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Pay Plan		
2) The Code Citation: 80 111. Adm. Code 310		
3) Section Numbers:	310. App. A, Table G	Amended
	310. App. A, Table K	Amended
	310. App. A, Table T	Amended
4) Statutory Authority: 111. Rev. Stat. 1987, ch. 127, par. 63b108a(2)		
5) A Complete Description of the Subjects and Issues Involved:		

These proposed amendments to the Department of Central Management Services' Pay Plan reflect the recently negotiated contract, effective retroactive July 1, 1989 to February 1, 1991, for the RC-045 (Automotive Mechanics, ISEA) Collective Bargaining Unit as set forth and illustrated in Table G.

In the RC-023 (Registered Nurses, I.N.A.) Collective Bargaining Unit, the titles of Nurse I and II are being replaced with four new titles which include the Registered Nurse I (\$1929 - 2601/Mo.), Registered Nurse II (\$2159 - 2931/Mo.), Corrections Nurse I (\$2025 - 2731/Mo.) and Corrections Nurse II (\$2267 - 3078/Mo.) in Table K, effective November 16, 1989.

Also, the new contract for HR-010 (Teachers of Deaf, IFT) Collective Bargaining Unit was recently negotiated providing for the pay rates for all bargaining unit lanes and steps to be increased by 5% for the Academic Year 1989-1990 and 5.5% for the Academic Year 1990-1991 in Table T.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date? If "yes", please specify date:

Yes

No

8) Do these proposed amendments contain any incorporations by reference?

No.

9) Are there any proposed amendments pending to this part?

Yes

Section Numbers

Proposed Action

111. Reg. Citation

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

C) Reporting, bookkeeping or other procedures required for compliance:

None

D) Types of professional skills necessary for compliance:

None

The full text of the proposed Rule(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED 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
310.50	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, Effective July 1, 1989
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Education Rate
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

NOTICE OF PROPOSED AMENDMENTS

TABLE V CU-500 (Corrections, Meet and Confer Employees)

TABLE W RC-062 (Technical Employees, AFSCME)

TABLE X RC-063 (Professional Employees, AFSCME)

TABLE Y RC-063 (Educators, AFSCME)

TABLE Z RC-063 (Physicians, AFSCME)

APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1990

APPENDIX C Physician Administrator Rates and Medical Facilities

Administrator Rates for Fiscal Year 1990

APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1990

APPENDIX E Teaching Salary Schedule (Repealed)

APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (111. Rev. Stat. 1987, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 111. Reg. 1558; emergency amendment at 8 111. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 111. Reg. 2440, effective February 15, 1984; emergency amendment at 8 111. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 111. Reg. 11299, effective June 25, 1984; HR-200 (Department of Labor - Chicago, Illinois - SEIU) of Illinois Building - SEIU)

Section	310.410
Jurisdiction	310.420
Objectives	310.430
Responsibilities	310.440
Merit Compensation Salary Schedule	310.450
Procedures for Determining Annual Merit Increases	310.455
Intermittent Merit Increase	310.460
Merit Zone	310.470
Other Pay Increases	310.480
Adjustment	310.490
Decreases in Pay	310.500
Other Pay Provisions	310.510
Definitions	310.520
Conversion of Base Salary to Pay Period Units	310.530
Conversion of Base Salary to Daily or Hourly Equivalents	310.540
Implementation	310.550
Annual Merit Increase Guidechart for Fiscal Year 1990	
Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)	

SUBPART C: MERIT COMPENSATION SYSTEM

NOTICE OF PROPOSED AMENDMENTS

APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)

TABLE C RC-069 (Firefighters, AFSCME)

TABLE D HR-001 (Teamsters Local #726)

TABLE E RC-020 (Teamsters Local #330)

TABLE F RC-019 (Teamsters Local #25)

TABLE G RC-045 (Automotive Mechanics, ISEA)

TABLE H RC-006 (Corrections Employees, AFSCME)

TABLE I RC-009 (Institutional Employees, AFSCME)

TABLE J RC-014 (Clerical Employees, AFSCME)

TABLE K RC-023 (Registered Nurses, INA)

TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)

TABLE M RC-027 (Educators, AFSCME) (Repealed)

TABLE N RC-027 (Physician Rates, AFSCME) (Repealed)

TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

TABLE P RC-029 (Paraprofessional Investigator and Law Enforcement Employees, ISEA)

TABLE Q RC-033 (Meat Inspectors, ISEA)

TABLE R RC-042 (Residual Maintenance Workers, AFSCME)

TABLE S HR-012 (Fair Employment Practices Employees, SEIU)

TABLE T HR-010 (Teachers of Deaf, IFT)

TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

for a maximum of 150 days; emergency amendment at 10 111. Reg. 13675, 1986; emergency amendment at 10 111. Reg. 12090, effective June 30, 1986, 150 days; emergency amendment at 10 111. Reg. 8928, effective May 13, 1986; emergency amendment at 10 111. Reg. 8904, effective January 24, 1986; emergency amendment at 10 111. Reg. 3230, effective January 24, 1986; emergency amendment at 10 111. Reg. 3325, effective January 22, 1986; 15043, effective September 24, 1985, for a maximum of 150 days; Reg. 10663, effective July 1, 1985; emergency amendment at 9 111. Reg. 9420, effective June 7, 1985; amended at 9 111. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 111. Reg. 4163, effective March 12, 1985; emergency amendment at 9 111. Reg. 3681, effective January 23, 1985; amended at 9 111. Reg. 1320, effective January 16, 1985, for a maximum of 150 days; amended at 9 111. Reg. 1134, effective November 14, 1984; emergency amendment at 9 111. Reg. 21544, effective October 24, 1984; amended at 8 111. Reg. 22844, effective October 10, 1984, for a maximum of 150 days; amended at 8 111. Reg. 21310, effective August 13, 1984; emergency amendment at 8 111. Reg. 15367, August 6, 1984, for a maximum of 150 days; amended at 8 111. Reg. 15007, effective emergency amendment at 8 111. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; amended at 8 111. Reg. 11299, effective June 25, 1984; 150 days; amended at 8 111. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 111. Reg. 11299, effective June 25, 1984; HR-200 (Department of Labor - Chicago, Illinois - SEIU) of Illinois Building - SEIU)



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 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; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 16921, effective December 12, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

A) Departments of Central Management Services and Transportation -  
Northeast Region - (Cook)

	Oct-1, 1986	July-1, 1987	July-1, 1988
	Mo.	Mo.	Mo.
Auto-&-Body-Repairer	\$2193	\$2293	\$2403
Automotive-Attendant	1244	1284	1324
Automotive-Mechanic	2193	2293	2403
Automotive-Mechanic's-Helper	2017	2117	2227
Automotive-Parts-Warehouser-I	2050	2150	2260
Automotive-Parts-Warehouser-II	2095	2195	2305
*Storekeeper-I	2050	2150	2260
*Storekeeper-II	2095	2195	2305

	July 1, 1989	July 1, 1990
	Mo.	Mo.
Auto & Body Repairer	\$2498	\$2609
Automotive Attendant	1377	1439
Automotive Mechanic	2498	2609
Automotive Mechanic's Helper	2313	2414
Automotive Parts Warehouser I	2347	2448
Automotive Parts Warehouser II	2396	2503
*Storekeeper I	2350	2456
*Storekeeper II	2397	2505

\* Serving as Automotive Parts Warehousemen in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All other Counties except Cook)

	Oct-1, 1986	Feb-1, 1987	July-1, 1987
	Mo.	Mo.	Mo.
Auto-&-Body-Repairer	\$2040	\$2065	\$2165
Automotive-Attendant	1244	1244	1284
Automotive-Mechanic	2040	2065	2165
Automotive-Mechanic's-Helper	1775	1800	1900
Automotive-Parts-Warehouser-I	1780	1805	1905
Automotive-Parts-Warehouser-II	1966	1991	2091
Automotive-Parts-Warehouser-III	2043	2043	2168
Small-Engine-Mechanic	1775	1775	1875

	Feb-1, 1988	July-1, 1988	Feb-1, 1989
	Mo.	Mo.	Mo.
Auto & Body Repairer	\$2190	\$2300	\$2325

NOTICE OF PROPOSED AMENDMENTS

1324	1284	Attendant-Mechanic
2325	2190	Attendant-Mechanic
2060	1925	Helper-Mechanic
2065	1930	Parts-Warehouse-I
2261	2116	Parts-Warehouse-II
2303	2168	Parts-Warehouse-III
1985	1875	Engine-Mechanic

July 1, 1989

Mo. \$2420

Auto & Body Repairer

Attendant

Automotive Mechanic

Helper

Parts Warehouse I

Parts Warehouse II

Parts Warehouse III

Small Engine Mechanic

Mo. \$2445

Feb. 1, 1990

Mo. \$2581

Auto & Body Repairer

Attendant

Automotive Mechanic

Helper

Parts Warehouse I

Parts Warehouse II

Parts Warehouse III

Small Engine Mechanic

(Source: Amended at 14 Ill. Reg. ..., effective ...)

Section 310.APPENDIX A Negotiated Rates of Pay TABLE K RC-023 (Registered Nurses, I.N.A.)

Effective: July 1, 1989

1	2159	2280	2401	2513	2634	2754	2931
2	2031	2136	2238	2341	2444	2547	2650
3	2401	2513	2634	2754	2875	2996	3117
4	2513	2634	2754	2875	2996	3117	3238
5	2634	2754	2875	2996	3117	3238	3359
6	2754	2875	2996	3117	3238	3359	3480
7	2875	2996	3117	3238	3359	3480	3601

STEPS

NOTICE OF PROPOSED AMENDMENTS

Effective: November 16, 1989

1	2025	2133	2243	2350	2494	2566	2731
2	2256	2383	2509	2626	2753	2878	3063
3	2116	2229	2344	2456	2606	2681	2854
4	2256	2383	2509	2626	2753	2878	3063
5	2393	2534	2664	2801	2931	3064	3257
6	2534	2664	2801	2931	3064	3257	3450
7	2664	2801	2931	3064	3257	3450	3643

STEPS

Effective: July 1, 1990

1	2016	2122	2232	2339	2446	2554	2718
2	2256	2383	2509	2626	2753	2878	3063
3	2116	2229	2344	2456	2606	2681	2854
4	2256	2383	2509	2626	2753	2878	3063
5	2393	2534	2664	2801	2931	3064	3257
6	2534	2664	2801	2931	3064	3257	3450
7	2664	2801	2931	3064	3257	3450	3643

STEPS

(Source: Amended at 14 Ill. Reg. ..., effective ...)

Section 310.APPENDIX A Negotiated Rates of Pay TABLE I HR-010 (Teachers of Deaf, IFT)

AGABEMIG-YEAR-1986-1987 Effective-September-1, 1986

1	Lane
2	Lane
3	Lane
4	Lane
5	Lane
6	Lane
7	Lane

VALID APPROPRIATE TEACHING CERTIFICATE AND

Step	B.A.	B.A. +	B.A. +	B.A. +	M.A.	M.A. +	M.A. +
1	15,042	15,461	15,896	16,381	16,771	17,282	17,822
2	16,410	16,883	17,373	17,850	18,341	18,853	19,393
3	17,760	18,293	18,804	19,314	19,819	20,342	20,884
4	19,072	19,634	20,199	20,764	21,309	21,851	22,401
5	20,384	20,972	21,564	22,154	22,724	23,291	23,861
6	21,696	22,317	22,942	23,571	24,196	24,826	25,461
7	23,008	23,673	24,342	25,014	25,681	26,353	27,030

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

--7--20,377--21,052--21,743--22,453--23,126--23,578--24,161

ACADEMIC YEAR 1986-1987  
Effective October 1, 1986

--1--15,146--15,644--16,079--16,532--17,036--17,442--17,973  
--2--16,026--16,518--17,028--17,524--18,035--18,449--18,983  
--3--16,892--17,430--17,985--18,516--19,047--19,468--20,012  
--4--17,755--18,339--18,927--19,504--20,081--20,509--21,061  
--5--18,666--19,284--19,836--20,513--21,127--21,562--22,122  
--6--19,535--20,198--20,838--21,495--22,128--22,567--23,135  
--7--21,192--21,894--22,613--23,351--24,051--24,521--25,127

ACADEMIC YEAR 1987-1988  
Effective September 1, 1987

--1--16,055--16,583--17,044--17,524--18,058--18,489--19,051  
--2--16,988--17,509--18,050--18,575--19,117--19,556--20,122  
--3--17,906--18,476--19,064--19,627--20,190--20,636--21,213  
--4--18,820--19,439--20,063--20,674--21,286--21,740--22,325  
--5--19,786--20,441--21,026--21,744--22,395--22,856--23,449  
--6--20,707--21,410--22,088--22,785--23,456--23,921--24,523  
--7--22,464--23,208--23,970--24,752--25,494--25,992--26,635

ACADEMIC YEAR 1988-1989  
Effective September 1, 1988

--1--17,018--17,578--18,067--18,575--19,141--19,598--20,194  
--2--18,007--18,560--19,133--19,690--20,264--20,729--21,329  
--3--18,980--19,585--20,208--20,805--21,401--21,874--22,486  
--4--19,949--20,605--21,267--21,914--22,563--23,044--23,665  
--5--20,973--21,667--22,288--23,049--23,739--24,227--24,856  
--6--21,949--22,695--23,413--24,152--24,863--25,356--25,994  
--7--23,812--24,600--25,408--26,237--27,024--27,552--28,233

ACADEMIC YEAR 1989-1990  
Effective September 1, 1989

1 17,869 18,457 18,970 19,504 20,098 20,578 21,204  
2 18,907 19,488 20,090 20,675 21,277 21,765 22,395  
3 19,929 20,564 21,218 21,845 22,471 22,968 23,610  
4 20,946 21,635 22,330 23,010 23,691 24,196 24,848  
5 22,022 22,750 23,402 24,201 24,926 25,438 26,099

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

6 23,046 23,830 24,584 25,360 26,106 26,624 27,294  
7 25,003 25,830 26,678 27,549 28,375 28,930 29,645

ACADEMIC YEAR 1990-1991  
Effective September 1, 1990

1 18,852 19,472 20,013 20,577 21,203 21,710 22,370  
2 19,947 20,560 21,195 21,812 22,447 22,962 23,627  
3 21,025 21,695 22,385 23,046 23,707 24,231 24,909  
4 22,098 22,825 23,558 24,276 24,994 25,527 26,215  
5 23,233 24,001 24,689 25,532 26,297 26,837 27,534  
6 24,314 25,141 25,936 26,755 27,542 28,088 28,795  
7 26,378 27,251 28,145 29,064 29,936 30,521 31,275

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

NOTICE OF PROPOSED RULES

1) Heading of Part: Licensing Standards for Youth Emergency Shelters

2) Code Citation: 89 Ill. Adm. Code 410

3) Section Numbers: Proposed Action

410.10  
410.20  
410.30  
410.40  
410.50  
410.60  
410.70  
410.80  
410.90  
410.100

New Section  
"  
"

- 5) A Complete Description of the Subjects and Issues Involved: These rules establish minimum licensing standards for emergency youth shelters, a new type of facility established by the Child Care Act of 1969 effective January 1, 1990. Youth emergency shelters provide overnight sleeping arrangements for homeless youth. The rules describe the requirements of applying for a license as well as standards which shelters must meet including, but not limited to, staff qualifications, shelter capacity, health and safety standards, physical plant specifications, minimum service requirements, consent provisions, court services, and other remedial services.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date: Yes  No  If "yes", date: \_\_\_\_\_
- 8) Does this proposed rulemaking contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (III. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498  
217/785-2592

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled in Springfield and Chicago.

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, par. 2211 et seq. as amended by Public Act 86-278 and 86-386, effective January 1, 1990.

410.380  
410.370  
410.360  
410.350  
410.340  
410.330  
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410.130  
410.120  
410.110  
410.100

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

January 30, 1990 -- 1:00 p.m.  
Department of Children and Family Services  
Large 4th Floor Conference Room  
406 East Monroe  
Springfield, Illinois  
Call 5-2592 for admittance to the building.

January 31, 1990 -- 1:00 p.m.  
Department of Children and Family Services  
6th Floor Conference Room  
State of Illinois Center  
100 West Randolph Street  
Chicago, Illinois  
Ask the receptionist for directions.

- 12) Initial Regulatory Flexibility Analysis:
  - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 21, 1989.
  - B) Types of small businesses affected: Individuals or organizations who wish to establish emergency overnight shelters for homeless youth.
  - C) Reporting, bookkeeping or other procedures required for compliance: The rules require the completion of applications for obtaining licenses, the maintenance of records which the supervising individual or organization must maintain and reports which must be submitted are described in Section 410.350 and include records on children receiving shelter care services, personnel records, and financial records.
  - D) Types of professional skills necessary for compliance: Experience as program administrator of residential or shelter care programs, skills and supervision in child care and record keeping skills.

The full text of the Proposed Rules are the same as the text of the emergency rules appearing on page 999 of this Illinois Register.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- 1) HEADING OF THE PART: Illinois Bicycle Path Grant Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3040
- 3) SECTION NUMBERS:

3040.10	New Section
3040.20	New Section
3040.30	New Section
3040.40	New Section
3040.50	New Section
3040.60	New Section
3040.70	New Section
3040.80	New Section
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a36) and Section 3-821 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-821).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:  
Public Act 86-0466 amended Ill. Rev. Stat. 1987, ch. 127, par. 63a36 to provide funding for a grant program to acquire and develop bike paths. Staff in the Grants division developed this administrative rule to guide the program.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule deals with a grant program in which individuals and small businesses may participate voluntarily. The rulemaking does not regulate small businesses.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER 9: GRANTS

PART 3040  
ILLINOIS BICYCLE PATH GRANT PROGRAM

Section  
3040.10  
Program Objectives  
3040.20  
Eligibility Requirements  
3040.30  
Assistance Formula  
3040.40  
General Procedures for Grant Applications and Awards  
3040.50  
Eligible Project Costs  
3040.60  
Project Evaluation Priorities  
3040.70  
Program Compliance Requirements  
3040.80  
Program Information/Contact

AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a36) and Section 3-821 of the Illinois Vehicle Code (Ill. Rev. Stat. 95 1/2, par. 3-821).

SOURCE: Adopted at 14 Ill. Rev. \_\_\_\_\_, effective

Section 3040.10 Program Objectives

The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public non-motorized bicycle paths and directly related facilities in Illinois.

Section 3040.20 Eligibility Requirements

Agencies eligible for assistance under the grant program are any units of local government with statutory authority to acquire, develop and maintain lands for bicycle trail purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.

Section 3040.30 Assistance Formula

The grant program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Maximum grant awards for development projects shall be limited to \$200,000 per request. No grant limit is established for

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

acquisition projects.

**Section 3040.40 General Procedures for Grant Applications and Awards**

- a) Grant applications for funding assistance under this program must be submitted in accordance with schedules to be publicly announced annually by the Department. Necessary application forms and instructions are available through the Department. Awarding of grants will be on a competitive basis and will be made under the authority and directive of the Director of the Department of Conservation.
- b) Project grant applications shall consist of the following basic components:
  - 1) Acquisition Project
    - A) completed application forms;
    - B) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;
    - C) project location map and plat map of area;
    - D) future site development plan; and
    - E) environmental evaluation.
  - 2) Development Project
    - A) completed application forms;
    - B) itemized development cost estimates for each project component;
    - C) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;
    - D) project location map; and plat map;

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- E) site development plan;
- F) environmental/archaeological evaluation (new construction only); and
- G) proof of land ownership or usage rights.

c) A project application packet may be obtained from the Division of Technical Services, Grants Section, Illinois Department of Conservation, 524 S. Second Street, Springfield, IL 62701-1787. Telephone 217/782-7481

**Section 3040.50 Eligible Project Costs**

- a) Grant assistance may be obtained for, but not limited to, the following items:
  - 1) Land acquisition costs (fee simple title, permanent easement or long-term lease) for bicycle paths, including associated appraisal costs approved by the Department. For acquisition of less than fee simple title or permanent easement, such as a lease agreement, the agreement must cover a minimum time period of 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements.
  - 2) Bicycle path development costs including, but not necessarily limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, safety lighting, potable water supply and other directly related bicycling support facilities. Architectural/engineering services deemed necessary for the proper design and construction of project bicycle paths are also considered eligible development costs.
- b) No grant awards shall be awarded for the acquisition or development of land which will not be available for public bicycling use.

**Section 3040.60 Project Evaluation Priorities**

The following factors are used by the Department in evaluating and recommending project applications for funding assistance consideration:

a) projects providing land acquisition or long-term/permanent easements;

b) projects providing the development of a bicycle trail system, especially well-developed long distance trails or connector trails linking several existing trails;

c) projects located in areas of high demand or readily accessible to major population centers;

d) projects proposing initial development of bicycling facilities at the project site;

e) projects where long-term operations and maintenance capability is clearly demonstrated by local sponsor;

f) projects specifically identified or supported by State, regional or local bicycle trail planning initiatives/documents developed through broad-based public input; and

g) project site physical characteristics/attributes including scenic quality; associated natural and cultural resources; environmental suitability; safety factors; adjacent land use compatibility and available trail user amenities such as adequate parking, restrooms, drinking water, etc.

Section 3040.70 Program Compliance Requirements

a) Any property acquired or developed through assistance from the Illinois Bicycle Path Grant Program must be open to the general public for bicycle use. Property acquired or developed with program assistance may not be converted to a use which would deny bicycle use as provided by terms of the project Agreement without prior Department approval. Approval for property conversion will be considered only if the project sponsor substitutes replacement property equal in fair market value and comparable in bicycling usefulness, quality and location. For projects receiving acquisition assistance, two appraisals must be provided by the sponsoring agency and

submitted to the Department for review and certification. The appraisals must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before Departmental approval of Certified Fair Market Value for the property is received.

c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or a permanent easement to the property being improved or an approved lease arrangement of at least 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable state and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.

d) The local sponsoring agency is required to enter into a standard State contract agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

e) Upon project completion, the project sponsor must submit a certified project billing form (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

1) ACQUISITION PROJECT: Copy of the signed Statement of Just Compensation/Offer to Purchase Form, Warranty Deed (Judgment Order in case of condemnation) for property, and copies of cancelled check(s) showing proof of payment to seller.

2) DEVELOPMENT PROJECTS: Copy of As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

for project costs, and copies of cancelled checks showing proof of payment.

- f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of three years after final reimbursement payment is made by the Department.
- g) The sponsoring agency must permanently post a Bicycle Path Grant Program acknowledgement sign at the project site where grant assistance is involved. The required sign or specifications for its construction will be furnished by the Department.
- h) The sponsoring agency shall insert, as an integral part of any contract with the approved project bidder, the following provisions:
  - 1) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting unlawful discrimination in employment contracts involving public funds, the construction or development of public buildings, works or facilities.
  - 2) That the contractor must comply with and be bound by any applicable local and State laws in any manner pertaining or relating to wages and claims of laborers, mechanics and other workers, agents, or servants in any manner employed in connection with contracts involving public funds or the development or construction of public works, buildings or facilities.
  - 3) That the contractor must abide by and comport with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to, any and all applicable workmen's compensation acts or laws.
  - 4) That the contractor shall provide and furnish to the satisfaction of the sponsoring agency and the Department, if requested, good and sufficient performance bond(s) with adequate surety or sureties, with applicable penalty or loss clauses concerning or relating to the construction of the proposed facilities and any losses, costs or damages

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

arising out of, or by virtue of, said construction by the contractor of the specified bicycle facilities and which insures, benefits and protects the sponsoring agency and the Department.

- 5) That the contractor shall personally and individually agree and covenant, and shall furnish and provide sufficient evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the sponsoring agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of, through, under or by virtue of the construction and development of the specified bicycle path facilities.
  - i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
  - j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted bicycle path facilities.
  - k) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of Program-assisted bicycle facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the agencies listed below. In addition, the sponsoring agency further agrees to comply with any applicable provisions of the Recreational Area Licensing Act, administered by the Illinois Department of Public Health.
    - 1) U.S. Army Corps of Engineers;
    - 2) Illinois Department of Transportation;
    - 3) Illinois Environmental Protection Agency;

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved bicycle path grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved bicycle path grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

n) Program Violations and Project Termination

- 1) The State may unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
- 2) Failure by the local sponsoring agency to comply with any of the above cited Program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency.
- 3) Land acquired with funding assistance from the Illinois Bicycle Path Grant Program shall be operated and maintained in perpetuity, for public bicycle path and recreation use.
- 4) For development projects only, terms of the contractual agreement between the local agency and the Department, under the Illinois Bicycle Path Grant Program, shall no longer apply after the time period established below relating to the total amount of grant funds expended to aid the facility:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TOTAL GRANT AWARD	TIME PERIOD AFTER FINAL PROJECT BILLING
0 - \$50,000	5 years
for every \$10,000 increment over \$50,000	add 1 year

- 5) Conversion of property acquired or developed with assistance from the Illinois Bicycle Path Grant Program from public recreation and bicycle path use shall result in the local sponsoring agency being held liable for replacing the converted property with comparable facilities as deemed acceptable by the Department.

Section 3040.80 Program Information/Contact

For information on the Illinois Bicycle Path Grant Program, contact:

Illinois Department of Conservation  
Division of Technical Services, Grants Section  
Lincoln Tower Plaza  
524 South Second Street  
Springfield, IL 62701-1787  
Telephone: 217/782-7481

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Illinois List of Endangered and Threatened Flora

2) CODE CITATION: 17 Ill. Adm. Code 1050

3) SECTION NUMBERS: PROPOSED ACTION:

1050.30  
1050.40  
Amendments  
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 337).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: At its 67th meeting on November 17, 1989, the Illinois Endangered Species Protection Board adopted changes to the Illinois List of Endangered and Threatened Flora. These changes were approved following review of scientific evidence and a public hearing, as required by the Illinois Endangered Species Protection Act. Finalization of these changes on the official State list requires that the Department of Conservation prepare an Administrative Rule amendment to Part 1050 showing those changes adopted by the Board.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:  
Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER c: ENDANGERED SPECIES

PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section  
1050.10  
Official List

1050.20  
Definitions

1050.25  
Criteria Used For Listing

1050.30  
Endangered Flora of Illinois

1050.40  
Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 337).

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209; effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1050.30 Endangered Flora of Illinois

SCIENTIFIC NAME

COMMON NAME

EQUISETACEAE

*Equisetum pratense*

Meadow Horsetail

*Equisetum scirpoides*

Dwarf Scouring Rush

*Equisetum sylvaticum*

Horsetail

LYCOPODIACEAE

*Lycopodium clavatum*

Running Pine

*Lycopodium dendroideum*

Ground Pine

*Lycopodium inundatum*

Bog Clubmoss

OPHIOGLOSSACEAE

*Botrychium biternatum*

Southern Grape Fern

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<i>Botrychium matricariaefolium</i>	Daisyleaf Grape Fern
<i>Botrychium simplex</i>	Dwarf Grape Fern

## POLYPODIACEAE

<i>Asplenium resiliens</i>	Black Spleenwort
<i>Cystopteris laurentiana</i>	Fragile Fern
<i>Dryopteris celsa</i>	Log Fern
<i>Gymnocarpium dryopteris</i>	Oak Fern
<i>Gymnocarpium robertianum</i>	Scented Oak Fern
<i>Thelypteris noveboracensis</i>	New York Fern
<i>Thelypteris phegopteris</i>	Long Beech Fern
<i>Woodsia ilvensis</i>	Rusty Woodsia

## CUPRESSACEAE

<i>Juniperus horizontalis</i>	Trailing Juniper
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## PINACEAE

<i>Pinus banksiana</i>	Jack Pine
<i>Pinus echinata</i>	Shortleaf Pine
<i>Pinus resinosa</i>	Red Pine

## ALISMATACEAE

<i>Echinodorus tenellus</i>	Small Burhead
<i>Sagittaria longirostris</i>	Arrowhead

## ARACEAE

<i>Calla palustris</i>	Water Arum
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## BURMANNIACEAE

<i>Thismia americana</i>	<i>Thismia</i>
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## DEPARTMENT OF CONSERVATION

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## COMMELINACEAE

<i>Tradescantia bracteata</i>	Prairie Spiderwort
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## CYPERACEAE

<i>Carex alata</i>	Winged Sedge
<del><i>Carex atherodes</i></del>	<del>Sedge</del>
<i>Carex aurea</i>	Golden Sedge
<i>Carex austrina</i>	Sedge
<i>Carex brunnescens</i>	Sedge
<u><i>Carex canescens</i> var. <i>disjuncta</i></u>	<u>Sedge</u>
<u><i>Carex chondorrhiza</i></u>	<u>Sedge</u>
<i>Carex communis</i>	Sedge
<i>Carex decomposita</i>	Sedge
<i>Carex disperma</i>	Sedge
<u><i>Carex echinata</i></u>	<u>Sedge</u>
<i>Carex garberi</i>	Sedge
<i>Carex gigantea</i>	Sedge
<i>Carex intumescens</i>	Swollen Sedge
<i>Carex laxiculmis</i>	Sedge
<i>Carex nigromarginata</i>	Sedge
<i>Carex oligosperma</i>	Sedge
<i>Carex oxylepis</i>	Sedge
<i>Carex pallescens</i>	Sedge
<i>Carex physorhyncha</i>	Sedge
<i>Carex prasina</i>	Sedge

Carex reniformis	Sedge	Carex reniformis
Carex rostrata	Sedge	Carex rostrata
Carex stratiota	Sedge	Carex stratiota
Carex styliflora	Sedge	Carex styliflora
Carex tonsa	Sedge	Carex tonsa
Carex triperma	Sedge	Carex triperma
Carex tuckermanni	Sedge	Carex tuckermanni
Carex viridula	Sedge	Carex viridula
Carex willdenowii	Willdenow's Sedge	Carex willdenowii
Carex woodii	Sedge	Carex woodii
Cyperus lancastriensis	Gallinule	Cyperus lancastriensis
Eleocharis olivacea	Spikerush	Eleocharis olivacea
<del>Eleocharis parvula</del>	Spikerush	<del>Eleocharis parvula</del>
Eleocharis pauciflora	Spikerush	Eleocharis pauciflora
Eriophorum virginicum	Rusty Cotton Grass	Eriophorum virginicum
Eriophorum viridi-carinatum	Tall Cotton Grass	Eriophorum viridi-carinatum
Fimbristylis annua	Baldwin's Fimbristylis	Fimbristylis annua
Fimbristylis vahlii	Vahl's Fimbristylis	Fimbristylis vahlii
<del>Fuzaria-serpoides</del>	<del>Umbrella-Grass</del>	<del>Fuzaria-serpoides</del>
Lipocarpus maculata	Mottled Lipocarpus	Lipocarpus maculata
Rhynchospora globularis	Grass Beak Rush	Rhynchospora globularis
Rhynchospora glomerata	Beak Rush	Rhynchospora glomerata
Scirpus cespitosus	Tufted Bulrush	Scirpus cespitosus
Scirpus halii	Bulrush	Scirpus halii

Scirpus hatvarianus	Bulrush	Scirpus hatvarianus
Scirpus pallidosus	Alkali Bulrush	Scirpus pallidosus
Scirpus purshianus	Weak Bulrush	Scirpus purshianus
Scirpus smithii	Bulrush	Scirpus smithii
Scirpus torreyi	Bulrush	Scirpus torreyi
Scirpus verecundus	Bulrush	Scirpus verecundus
<del>Scleria reticularis</del> <del>uhlenbergii</del>	Netted Nut Rush	<del>Scleria reticularis</del> <del>uhlenbergii</del>
TRIDACEAE		
Sisyrinchium atlanticum	Eastern Blue-eyed Grass	Sisyrinchium atlanticum
Sisyrinchium montanum	Mountain Blue-eyed Grass	Sisyrinchium montanum
JUNCACEAE		
Juncus alpinus	Richardson's Rush	Juncus alpinus
Juncus vaseyi	Vasey's Rush	Juncus vaseyi
Luzula acuminata	Hairy Woodrush	Luzula acuminata
JUNCAGINACEAE		
Scheuchzeria palustris	Arrow Grass	Scheuchzeria palustris
Triglochin maritima	Common Bog Arrow Grass	Triglochin maritima
Triglochin palustris	Slender Bog Arrow Grass	Triglochin palustris
LILIACEAE		
Camassia angusta	Wild Hyacinth	Camassia angusta
Erythronium mesochoreum	White Dog-tooth Violet	Erythronium mesochoreum
Lilium superbum	Turk's Cap Lily	Lilium superbum
Medeola virginiana	Indian Cucumber Root	Medeola virginiana
Trillium cernuum	Nodding Trillium	Trillium cernuum

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Trillium cuneatum	Trillium
Trillium erectum	Ill-scented Trillium
Zigadenus glaucus	White Camass
MARANTACEAE	
Thalia dealbata	Powdery Thalia
ORCHIDACEAE	
Cypripedium acaule	Moccasin Flower
Cypripedium calceolus var. parviflorum	Small Yellow Lady's Slipper
Cypripedium candidum	White Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Habenaria ciliaris	Orange Fringed Orchid
Habenaria clavellata	Wood Orchid
Habenaria flava var. flava	Tuberled Orchid
Habenaria leucophaea	Prairie White Fringed Orchid
Habenaria psycodes	Purple Fringed Orchid
Hexalectris spicata	Crested Coralroot Orchid
Isotria medeoloides**	Small Whorled Pogonia
Isotria verticillata	Whorled Pogonia
Pogonia ophioglossoides	Snake-mouth
Spiranthes lucida	Yellow-lipped Ladies' Tresses
Spiranthes romanzoffiana	Hooded Ladies' Tresses
Spiranthes vernalis	Spring Ladies' Tresses

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POACEAE	
Agropyron subsecundum	Bearded Wheat Grass
Ammophila breviligulata	Marram Grass
Beckmannia syzigachne	American Slough Grass
Glyceria arkansana	Manna Grass
Glyceria borealis	Northern Manna Grass
<del>Glyceria canadensis</del>	<del>Rattlesnake Grass</del>
Gymnopogon ambiguus	Beard Grass
Leptochloa panicoides	Salt Meadow Grass
Milium effusum	Millet Grass
Panicum boreale	Northern Panic Grass
Panicum columbianum	Hemlock Panic Grass
Panicum jpori	Panic Grass
Panicum longifolium	Long-leaved Panic Grass
<del>Panicum -risidum-</del>	<del>Panic Grass</del>
Panicum ravenelii	Panic Grass
Panicum stipitatum	Panic Grass
Panicum yadkinense	Panic Grass
Paspalum bushii	Hairy Bead Grass
Paspalum dissectum	Bead Grass
Poa alsodes	Grove Bluegrass
Poa autumnalis	Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass

*Fucinelia pallida* Grass

*Schizachne purpurascens* False Melle Grass

PONTEDERICACEAE

*Heberanthera reniformis*

POTAMOGETONACEAE

*Potamogeton gramineus*

*Potamogeton praelongus*

*Potamogeton pulcher*

*Potamogeton robbinsii*

*Potamogeton strictifolius*

*Potamogeton vaseyi*

SPARGANIACEAE

*Sparganium americanum*

*Sparganium chlorocarpum*

ACANTHACEAE

*Justicia ovata*

ADOXACEAE

*Adoxa moschatellina*

AMARANTHACEAE

*Iresine rhizomatosa*

APIACEAE

*Conioselinum chinense*

*Cynoscladium digitatum*

*Daucus-pueblus*

*Eryngium prostratum* Eryngo

*Hydrocotyle ranunculoides* Water-pennywort

*Ptilimnium costatum* Mock Bishop's Weed

*Ptilimnium nuttallii* Mock Bishop's Weed

ASCLEPIADACEAE

*Asclepias lanuginosa* Woolly Milkweed

*Asclepias mearnsii*\* Mead's Milkweed

*Asclepias ovalifolia* Oval Milkweed

*Matelea decipiens* Climbing Milkweed

ASTERACEAE

*Bidens beckii* Water Margold

*Eupatorium incarnatum* Thoroughwort

*Helianthus giganteus* Tall Sunflower

*Hymenoxys acaulis* var. *glabra*\* Lakeside Daisy

*Lactuca hirsuta* Wild Lettuce

*Lactuca ludoviciana* Western Wild Lettuce

*Melanthera nivea* White Melanthera

*Microseris cuspidata* Prairie Dandelion

*Rudbeckia missouriensis* Missouri Orange Coneflower

*Stiphium trifoliatum* Rosinweed

*Solidago arguta* (sensu lato: incl. *S. strigosa* & *S. bootii*) Goldenrod

BERBERIDACEAE

*Berberis canadensis* Allegheny Barberry

*Small Wild-Carrot*

*Cynoscadium*

*Hemlock Parsley*

*Bloodleaf*

*Moschatel*

*Water Willow*

*Green-fruited Burweed*

*American Burweed*

*Vasey's Pondweed*

*Stiff Pondweed*

*Spotted Pondweed*

*White-stemmed Pondweed*

*Grass-leaved Pondweed*



DEPARTMENT OF CONSERVATION  
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## BETULACEAE

<i>Alnus rugosa</i>	Speckled Alder
<i>Betula alleghaniensis</i>	Yellow Birch
<i>Betula populifolia</i>	Gray Birch

## BORAGINACEAE

<i>Hackelia americana</i>	Stickseed
<i>Heliotropium tenellum</i>	Slender Heliotrope

## BRASSICACEAE

<i>Cardamine pratensis</i> var. <i>palustris</i>	Cuckoo Flower
<i>Draba cuneifolia</i>	Whitlow Grass
<i>Lesquerella ludoviciana</i>	Silvery Bladderpod
<i>Rorippa islandica</i> subsp. <i>hispida</i>	Hairy Marsh Yellow Cress
<del><i>Rorippa truncata</i></del>	<del>Yellow-Cress</del>

## CACTACEAE

<i>Opuntia fragilis</i>	Prickly Pear
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## CAPPARIDACEAE

<i>Polanisia jamesii</i>	James' Clammyweed
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## CAPRIFOLIACEAE

<i>Lonicera dioica</i> var. <i>glaucescens</i>	Red Honeysuckle
<i>Viburnum molle</i>	Arrowwood

## CARYOPHYLLACEAE

<i>Silene regia</i>	Royal Catchfly
<i>Stellaria pubera</i>	Great Chickweed

## CISTACEAE

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<i>Hudsonia tomentosa</i>	False Heather
<i>Lechea intermedia</i>	Pinweed

## CLUSIACEAE

<i>Hypericum adpressum</i>	Shore St. John's Wort
<del><i>Hypericum boreale</i></del>	<del>Northern St. John's Wort</del>
<i>Hypericum densiflorum</i>	St. John's Wort
<i>Hypericum kalmianum</i>	Kalm's St. John's Wort
<i>Triadenum virginicum</i>	Marsh St. John's Wort

## CORNACEAE

<i>Cornus canadensis</i>	Bunchberry
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## CORYLACEAE

<i>Corylus cornuta</i>	Beaked Hazelnut
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## CUCURBITACEAE

<i>Melothria pendula</i>	Squirting Cucumber
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## DROSERACEAE

<i>Drosera rotundifolia</i>	Round-leaved Sundew
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## ELAEAGNACEAE

<i>Shepherdia canadensis</i>	Buffaloberry
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## ERICACEAE

<i>Arctostaphylos uva-ursi</i>	Bearberry
<i>Gaultheria procumbens</i>	Wintergreen
<i>Vaccinium corymbosum</i>	Highbush Blueberry
<i>Vaccinium macrocarpon</i>	Large Cranberry
<i>Vaccinium oxycoccos</i>	Small Cranberry

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DEPARTMENT OF CONSERVATION  
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## OROBANCHACEAE

<i>Orobanche fasciculata</i>	Clustered Broomrape
<i>Orobanche ludoviciana</i>	Broomrape

## OXALIDACEAE

<i>Oxalis illinoensis</i>	Illinois Wood Sorrel
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## PAPAVERACEAE

<i>Corydalis aurea</i>	Golden Corydalis
<i>Corydalis halei</i>	Hale's Corydalis
<i>Corydalis sempervirens</i>	Pink Corydalis

## PLANTAGINACEAE

<i>Plantago cordata</i>	Heart-leaved Plantain
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## POLEMONIACEAE

<i>Phlox pilosa</i> subsp. <i>sangamonensis</i>	Sangamon Phlox
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## POLYGALACEAE

<i>Polygala incarnata</i>	Pink Milkwort
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## POLYGONACEAE

<i>Polygonum arifolium</i>	Halbred-leaved Tearthumb
<i>Polygonum careyi</i>	Carey's Heartsease
<del><i>Polygonum bicorne</i></del>	Smartweed
<i>Rumex hastatulus</i>	Sour Dock

## PORTULACACEAE

<i>Talinum calycinum</i>	Fameflower
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## PRIMULACEAE

<i>Lysimachia fraseri</i>	Loosestrife
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<i>Lysimachia radicans</i>	Creeping Loosestrife
<i>Primula mistassinica</i>	Bird's-eye Primrose

## PYROLACEAE

<i>Chimaphila maculata</i>	Spotted Wintergreen
<i>Chimaphila umbellata</i>	Pipsissewa
<i>Pyrola americana</i>	Round-leaved Shinleaf

## RANUNCULACEAE

<i>Cimicifuga americana</i>	American Bugbane
<i>Cimicifuga racemosa</i>	False Bugbane
<i>Clematis crispa</i>	Blue Jasmine
<i>Clematis occidentalis</i>	Mountain Clematis
<i>Clematis viorna</i>	Leatherflower
<i>Ranunculus cymbalaria</i>	Seaside Crowfoot

## RHAMNACEAE

<i>Berchemia scandens</i>	Supple-jack
<i>Ceanothus ovatus</i>	Redroot
<i>Rhamnus alnifolia</i>	Alder Buckthorn

## ROSACEAE

<i>Amelanchier interior</i>	Shadbush
<i>Amelanchier sanguinea</i>	Shadbush
<i>Malus angustifolia</i>	Narrow-leaved Crabapple
<i>Potentilla millegrana</i>	Cinquefoil
<i>Rosa acicularis</i>	Rose
<i>Rubus enslenii</i>	Arching Dewberry

Rubus odoratus	Purple-flowering Raspberry
Rubus setosus	Bristly Blackberry
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
Waldsteinia fragarioides	Barren Strawberry
RUBIACEAE	
Gallium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix serotima	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Woolly Buckhorn
SARRACENIACEAE	
Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginensis	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Melampyrum lineare	Cow Wheat
Mimulus glabratus	Yellow Monkey Flower
Penstemon brevisepalus	Short-sepaled Beard Tongue
Penstemon grandiflorus	Large-flowered Beard

Tongue	Veronica americana
American Brooklime	
Silverbell Tree	Halesia carolina
Bigleaf Snowbell Bush	Syrax grandifolia
TILIACEAE	
White Basswood	Tilia heterophylla
ULMACEAE	
Water Elm	Planera aquatica
Rock Elm	Ulmus thomasi
URTICACEAE	
Nettle	Urtica chamaedryoides
VALEARIANACEAE	
Marsh Valerian	Valeriana uliginosa
Corn Salad	Valerianella chenopodiifolia
Corn-Salad	Valerianella-intermedia
Corn Salad	Valerianella umbellata
VIOLACEAE	
Canada Violet	Viola canadensis
Hairy White Violet	Viola incognita
Primrose Violet	Viola primulifolia
Plains Violet	Viola varium

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)  
Section 1050.40 Threatened Flora of Illinois

DEPARTMENT OF CONSERVATION  
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SCIENTIFIC NAME	COMMON NAME
OPHIOGLOSSACEAE	
<i>Botrychium multifidum</i>	Northern Grape Fern
POLYPODIACEAE	
<i>Asplenium bradleyi</i>	Bradley's Spleenwort
<i>Dennstaedtia punctilobula</i>	Hay-scented Fern
CUPRESSACEAE	
<i>Juniperus communis</i>	Ground Juniper
<i>Thuja occidentalis</i>	Arbor Vitae
PINACEAE	
<i>Larix laricina</i>	Tamarack
CYPERACEAE	
<u><i>Carex atherodes</i></u>	<u>Sedge</u>
<i>Carex crawei</i>	Sedge
<i>Cyperus grayioides</i>	Umbrella Sedge (Galingale)
<i>Eleocharis rostellata</i>	Spike Rush
<i>Rhynchospora alba</i>	Beaked Rush
<i>Scirpus polyphyllus</i>	Bulrush
IRIDACEAE	
<i>Iris fulva</i>	Swamp Red Iris
LILIACEAE	
<u><i>Polygonatum pubescens</i></u>	<u>Downy Solomon's Seal</u>
<i>Stenanthium gramineum</i>	Grass-leaved Lily

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<i>Tofieldia glutinosa</i>	False Asphodel
<i>Trillium viride</i>	Green Trillium
<i>Veratrum woodii</i>	False Hellebore
ORCHIDACEAE	
<i>Calopogon tuberosus</i>	Grass Pink Orchid
<i>Corallorhiza maculata</i>	Spotted Corral-root Orchid
<i>Habenaria flava</i> var. <i>herbiola</i>	Tuber-cled Orchid
POACEAE	
<i>Oryzopsis racemosa</i>	Rice Grass
ARISTOLOCHIACEAE	
<i>Aristolochia serpentaria</i> var. <i>hastata</i>	Virginia Snakeroot
ASCLEPIADACEAE	
<i>Asclepias stenophylla</i>	Narrow-leaved Green Milkweed
<i>Matelea obliqua</i>	Climbing Milkweed
ASTERACEAE	
<i>Artemisia dracunculus</i>	False Tarragon
<i>Aster furcatus</i>	Forked Aster
<i>Aster schreberi</i>	Schreber's Aster
<i>Aster undulatus</i>	Aster
<i>Boltonia decurrens</i>	False Aster
<i>Cirsium carolinianum</i>	Carolina Thistle
<i>Cirsium pitcheri</i> *	Pitcher's (Dune) Thistle
<i>Helianthus angustifolius</i>	Narrow-leaved Sunflower

*Liatris scariosa* var. *nieuwlandii*  
Blazing Star

Cliff Goldenrod

Sea Rocket

Yellow Honey-suckle

Red-berryed Elder

Slender Sandwort

Strawberry Bush

Patterson Bindweed

Narrow-leaved Sundew

Leatherleaf

Pale Vetchling

Willow Oak

Rock Chestnut Oak

Blue Sage

*Solidago selaphilla*

Candle edentula

CAPRIFOLIACEAE

*Lonicera flava*

*Sambucus pubens*

CARYOPHYLLACEAE

*Arenaria patula*

CELASTRACEAE

*Buonymus americanus*

CONVOLVULACEAE

*Stylisha pickeringii*

DROSERACEAE

*Drosera intermedia*

ERICACEAE

*Chamaedaphne calyculata*

FABACEAE

*Lathyrus ochroleucus*

FAGACEAE

*Quercus phellos*

*Quercus prinus*

LAMIACEAE

*Salvia azurea* subsp. *pitchei*

~~PHIACEAE~~

*Polygatum pubescens*

Berry-Solomon's-Seal

ONAGRACEAE

*Epilobium strictum*

Downy Willow Herb

PAPAVERACEAE

*Corydalis curvisiliqua*  
var. *grandibracteata*

Corydalis

PRIMULACEAE

*Tritentalis borealis*

Star-flower

RANUNCULACEAE

*Ranunculus thomboideus*

Prairie Buttercup

ROSACEAE

*Filipendula rubra*

Queen-of-the-Prairie

*Rubus pubescens*

Dwarf Raspberry

RUBIACEAE

*Gallium labradoricum*

Bog Bedstraw

SAXIFRAGACEAE

*Sullivantia renifolia*

Sullivantia

SCROPHULARIACEAE

*Besseyia bullii*

Kittentails

*Tomanthera auriculata*

Ear-leaved Foxglove

*Veronica scutellata*

Marsh Speedwell

STYRACACEAE

*Styrax americana*

Storax

VIOLACEAE

DEPARTMENT OF CONSERVATION

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Viola conspersa

Dog Violet

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Land and Water Conservation Fund Grant Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3030
- 3) SECTION NUMBERS:

3030.30	<u>PROPOSED ACTION:</u>
3030.40	Amendments
3030.50	Amendments
	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1 through 5 of "AN ACT relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1985, ch. 105, pars. 531-535) and implementing the Civil Rights Restoration Act of 1987 (43 CFR 17, 1989).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The proposed revisions to this Part reflect changes in required application documentation resulting from additional federal compliance regulations and local project evaluation criteria resulting from revisions to the Open Project Selection Process and State-wide recreation priorities in the newly adopted 1988-1993 SCORP.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER 8: GRANTS

PART 3030  
LAND AND WATER CONSERVATION FUND GRANT PROGRAM

Section	3030.10
Statutory Bases of Grant Program	3030.20
Eligibility	3030.30
General Procedures for Grant Awards	3030.40
Selection Criteria	3030.50
Compliance Requirements	3030.60
Land and Water Conservation Fund Information	

**AUTHORITY:** Implementing and authorized by Sections 1 through 5 of "AN ACT relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1985, ch. 105, pars. 531-535) and implementing the Civil Rights Restoration Act of 1987 (43 CFR 17, 1989).

**SOURCE:** Adopted at 2 Ill. Reg. 45 p. 176, effective November 11, 1978; codified at 5 Ill. Reg. 10671, amended at 7 Ill. Reg. 8779, effective July 15, 1983; amended at 10 Ill. 13249, effective July 30, 1986; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 3030.30 General Procedures for Grant Awards

a) The project applicant is required to submit an application for assistance to the Department of Conservation from July 1 to September 1 of each year for consideration under the subsequent (October 1st) federal fiscal year Land and Water Conservation Fund grant cycle.

b) The project application consists of the following components which are described in detail in the Land and Water Conservation Fund Local Participation Manual which is available from the Department of Conservation upon request from local political subdivisions.

- 1) General Project Data
- 2) Acquisition Data
- 3) Acquisition Certification (if applicable)
- 4) Resolution of Authorization

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule deals with a grant program in which individuals and small businesses may participate voluntarily. The rulemaking does not regulate small businesses.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:



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- 5) Development Data
  - 6) Preliminary Relocation Plan
  - 7) ~~Civil Rights Assurance of Compliance~~
  - 8) Certification Regarding Federal Debarment/Suspension
  - 8)9) A-95 Review/Form 424
    - A) State Historic Preservation Officer Sign-Off
    - B) U.S./Illinois Departments of Agriculture Sign-Off
  - 9)10) Narrative Statement
  - 10)11) ~~Premise Plat~~
  - 11)12) Site Development Plan
  - 12)13) Environmental Assessment Statement
  - 13)14) copy of Commitment for Title Insurance
  - 14)15) Copy of Housing and Urban Development (HUD) Flood Map for Project Area
  - 15)16) Three Slides of Project Area
  - 16)17) Indication of Conformance to Local Master Plan/Statewide Comprehensive Outdoor Recreation Plan (SCORP)
  - 17)18) Appraiser Qualifications
- c) Failure to submit a correct and complete application by the specified application deadline date will result in project rejection.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 3030.40 Selection Criteria

a) SCORP Priorities - 35%:

Projects will be evaluated in terms of their ability to address/help remedy major outdoor recreation and conservation concerns and needs identified by the Department in its Statewide Comprehensive Outdoor Recreation Plan (SCORP). Copies of the plan are available from the Department. SCORP priorities are also listed in the Department's Land & Water Conservation Fund Local Participation Manual.

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a)b) SCORP-Based Local Need Assessment - 30%-25%

Determination of need will be based upon a comparison of (1) existing supply of recreation facilities per capita to the statewide median as identified in the State's Comprehensive Outdoor Recreation Plan (SCORP) and (2) existing supply and distribution of open space and park land with the amount (of acreage per thousand) proposed by nationally and/or locally accepted standards published by the National Recreation and Park Association in Recreation Park and Open Spaces Standards and Guidelines (1983). Recreational needs based upon project service area are also given consideration.

b)c) Site Characteristics and Development Plan - 25% + Project Concept and Site Environmental Characteristics - 25%

The site will be evaluated in terms of its aesthetic qualities and physical suitability for the proposed project. Factors considered are;

- 1) public access to the site;
- 2) soil characteristics;
- 3) hydrologic characteristics of the site and general area;
- 4) site vegetation;
- 5) compatibility with adjacent land uses;
- 6) site topography;
- 7) environmental intrusions impacting proposed use of site;
- 8) whether site is listed on the state's Natural Areas Inventory or the National Register of Historic Places, and
- 9) diversity of recreational opportunities to be provided at the site.

e) SCORP Priorities - 25%:

~~Projects will be evaluated in terms of their ability to address/help remedy major outdoor recreation and conservation issues and problems identified by the Department in its Statewide Comprehensive Outdoor Recreation Plan (SCORP). Copies of the plan are available from the Department. SCORP priorities are also listed in the Department's Land & Water Conservation Fund Local Participation Manual.~~

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- i) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, ~~creed~~sex, age or disability, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- ii) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, ~~creed~~sex, age or disability, color, or national origin.
- iii) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of federal Executive Order No. 11246, entitled "Equal Employment Opportunity", as amended by federal Executive Order 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- iv) The contractor will comply with all provisions of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the United States Secretary of Labor.
- v) The contractor will furnish all information and reports required by federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and by the rules, regulations, and orders of the U. S. Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts

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- by the contracting agency and the U. S. Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- vi) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, as amended, or by rule, regulation, or order of the U. S. Secretary of Labor, or as otherwise provided by law.
- vii) The contractor will include the provisions of Paragraphs (i) through (vi) in every subcontract on purchase order unless exempted by rules, regulations, or orders of the U. S. Secretary of Labor issued pursuant to Section 204 of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967 so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- E) The State shall:
- i) Comply with the above provisions in construction work carried out by itself.
- ii) Assist and cooperate actively with the NPS and the U. S. Secretary of Labor in obtaining the compliance of contractors and subcontractors with the above contract provisions and with the rules, regulations, and relevant orders of the U. S. Secretary of Labor.

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iii) Obtain and furnish to the NPS and to the U. S. Secretary of Labor local bid specifications, submitted bid documents and awarded construction contracts as they may require for the supervision of such compliance.

iv) Enforce the obligation of contractors and subcontractors under such provisions, rules, regulations, and orders.

v) Carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the U. S. Secretary of Labor or the NPS pursuant to Part II, Subpart D, of federal Executive No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.

vi) Refrain from entering into any contract with a contractor debarred from Government contracts under Part II, Subpart D, of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.

3) The State shall secure completion of the work in accordance with the approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.

4) Local political subdivisions shall permit periodic site visits by the Director to insure work progress in accordance with the approved project, including a final inspection upon project completion.

5) In the event funds should not be available for future stages of the project, the local political subdivision shall bring the project to a point of usefulness agreed upon by the local political subdivision and the Director.

6) All significant deviations from the project proposal shall be submitted to the Director for prior approval. Deviations which do not impact or diminish the approved project's recreational objective shall be deemed not significant and shall be approved.

7) Development plans and specifications shall be available for review by the Director upon request.

8) The acquisition cost of real property shall be based upon the appraisal of a competent appraiser. The reports of such appraisers shall be made available to the Director.

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9) If any tract or parcel of, or interest in, real property subject to being purchased under the provisions of this agreement, but not identified herein, is found by the Director for any reason not to be suitable for Federal assistance, all obligations of the United States hereunder shall cease as to such parcel, tract or interest.

10) Federal funds administered by the Department under the Federal Land and Water Conservation Fund program will be expended in accordance with all applicable State statutes.

c) Project costs: Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the federal Land and Water Grants-in-Aid and Illinois Land and Water Local Participation Manuals.

d) Project Administration: 1) Local political subdivisions shall promptly submit such reports as the Director requests. 2) Property and facilities acquired or developed through the Land and Water program shall be available for inspection by the Director upon request.

e) Project Termination: 1) The State may unilaterally rescind project agreements at any time prior to project commencement if federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local political subdivision. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local political subdivision to comply with the terms of the Land and Water Conservation Fund Program shall be cause for the suspension of all obligations thereunder.

3) Failure by the local political subdivision to comply with the above cited terms shall not be cause for the suspension of all Land and Water obligations if, in the judgment of the Director, such failure was due to no fault of the local political subdivision.

f) Conflict of Interests:

1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or

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subcontract in connection with an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract.

- 2) No person performing services for the local political subdivision in connection with an approved Land and Water project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless such interest is openly disclosed upon the public records of the local political subdivision, and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

## g) Financial Records:

- 1) The local political subdivision shall maintain legible financial accounts, documents, and records, which accurately support projects costs claimed for grant reimbursement, and shall make them available to the Director, the NPS, the federal Department of the Interior, and to the U. S. General Accounting Office for auditing during regular business hours. Such accounts, documents, and records shall be retained by the local political subdivision for three years following project termination.
- 2) The local political subdivision shall use any generally accepted accounting system.

## h) Use of Facilities:

- 1) The local political subdivision shall not at any time convert any property acquired or developed through the Land and Water program to other than the public outdoor recreation uses specified in the project proposal without the prior approval of the Director and concurrence by the NPS. Such approval will be given only upon the substitution of replacement property having equal fair market value and comparable outdoor recreation usefulness, quality and location.
- 2) The local political subdivision shall operate and maintain, or cause to be operated and maintained, property or facilities acquired or developed through the Land and Water program in the manner and according the standards set forth in the federal Land and Water Grants-in-Aid Manual.

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## i) Non discrimination:

- 1) The local political subdivision shall not discriminate against any person on the basis of race, color, national origin, handicap, sex or age in the use of any property or facility acquired or developed through the Land and Water program.
- 2) The local political subdivision shall comply with the terms and intent of Title VI of the federal Civil Rights Act of 1964, 78 Stat. 241 (1964) (42 U.S.C. Subchapter V), and with the regulations promulgated pursuant to such Act by the U. S. Secretary of the Interior.
- 3) The local political subdivision shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: PROPOSED ACTION:

810.10	Amendments
810.20	Amendments
810.30	Amendments
810.40	Amendments
810.100	New Section

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The changes to this Part are based upon the results of biological surveys and subsequent data analyses that the Division of Fisheries has determined are necessary for the maintenance and/or production of quality fisheries in State-managed waters.

Due to the low-water conditions existing in many areas of the State created by the 1988 drought and the 1989 lack of water sufficient to fully recharge the water tables, many areas utilized as fish spawning beds and mussel beds are accessible to motor vehicles. Driving motor vehicles through these areas destroys the beds and eggs of aquatic animals and the aquatic plants, which causes serious depletion of many forms of aquatic life, including sport fish and plants and animals which are part of the food-chain of sport fish. To correct this situation, a new Section 810.100, Bed Protection, has been added which makes it illegal to operate a motor vehicle upon the bed of public waters.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? Yes

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed

rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

OR This rule deals with a Grant Program in which individuals and small businesses may participate voluntarily. The rulemaking does not regulate small businesses.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTSTITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFEPART 810  
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	<u>Sale of Fish and Fishing Seasons</u>
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit
810.100	<u>Bed Protection</u>

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 810.10 Sale of Fish and Fishing Seasons

- a) No fish or parts thereof (including eggs) taken by sport fishing methods (including snagging) may be bought, sold or bartered.

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- b) Lake Michigan - The sportfishing season for rainbow smelt shall be from March 1 to April 30.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 810.20 Snagging

- a) Anglers are permitted only one pole and line device to which can be attached no more than two hooks.
- b) Species of Fish and Snagging Catch Limit.
- 1) Only the following species of fish and catch limit may be taken by snagging:
- Carp - no catch limit
  - Buffalo - no catch limit
  - Freshwater Drum - no catch limit
  - Salmon (coho and chinook only) - 5 daily
  - Paddlefish - 2 per day
  - Bowfin - no catch limit
  - Gizzard shad - no catch limit
  - Carp suckers - no catch limit
  - Longnose gar - no catch limit
  - Shortnose gar - no catch limit
  - Suckers - no catch limit
- 2) No sorting of snagged salmon and paddlefish is permitted. Every salmon 10 inches in total length or longer and paddlefish taken by snagging must be kept and included in the daily catch limit.
- c) Waters Open to Snagging and Snagging Season.
- 1) Snagging for fish is permitted year-round within a 300 yard downstream limit below all locks and dams of the Illinois and Mississippi Rivers.

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2) Snagging for fish is permitted year-round within a 100 yard limit upstream or downstream of the dam at Horseshoe Lake in Alexander County.

3) Snagging for chinook and coho salmon only is permitted from the following Lake Michigan shoreline areas from October 1 through December 31; however, no snagging is allowed at any time within 200 feet of a moored waterfront or as posted:

A) Lincoln Park Lagoon from the Fullerton Avenue Bridge to the southern end of the Lagoon.

B) Waukegan Harbor (in North Harbor basin only).

C) Winnetka Power Plant discharge area.

D) Jackson Harbor (Inner and Outer Harbors).

E) The Waukegan-Power Plant discharge-area.

d) Disposition of Snagged Salmon and Paddlers. All snagged salmon and paddlers must be removed from the area from which they were taken and disposed of properly, in accordance with Section 2.1 of the Fish Code of 1971.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 810.30 Pole and Line Fishing Only

Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing in the following waters, except as indicated, and except that legal size cast nets, (in accordance with Section 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold:

Argyle Lake, Argyle Lake State Park, McDonough County

Ashley Reservoir, City of Ashley, Washington County

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties, except that carp, burlato, suckers and gar may be taken by bow and arrow devices or spears during May and June

Ball Woods Lake, Ball Woods Conservation Area, Wabash County

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Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Borah Lake, City of Olney, Richland County

Canton Lake, City of Canton, Fulton County

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

~~Charleston County Forest Preserve - Park Ponds - Charleston County Forest Preserve - Charleston County~~

~~Charleston Lower Channel Lake, City of Charleston, Coles County~~

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Park Lake and Pond, City of Flora, Clay County

Citizen's Lakes (North and South), City of Monmouth, Warren County

Cinton Lake, Cinton Lake State Recreation Area, Dewitt County, except that sport fishermen will be allowed to use trot lines, jug fishing and bank poles in the portions of the impoundment that lie north of the Davenport Bridge and northeast of the Farnell Bridge

Coleta Trout Ponds, State of Illinois, Whiteside County

Cook County Forest Preserve District Lakes (Arrowhead Lake, Axehhead Lake, Beck Lake, Belleau Lake, Belly Deep Slough, Big Bend Lake, Bode Lake, Bullfrog Lake, Busse Lake, Cermak Quarry, Deer Grove Lake, Flatfoot Lake, Green Lake, Horseshoe Lake, Ida Lake, Joe's Pond, Maple Lake, McGinnis Slough, Midlothian Reservoir, Papoose Lake, Pctawatomie Slough, Powderhorn Lake, Saganshake Slough, Sag Quarry East, Sag Quarry West, Schiller Pond, Skokie Lagoons, Tampier Lake, Tuma Lake, Turtlehead Lake and Wampum Lake), Cook County

Coulerville City Lake, City of Coulerville, Randolph County

Crab Orchard Lake, Crab Orchard National Wildlife Refuge, Williamson County, except that sport fishermen will be allowed to use trot lines, bank poles and jugs, and except that the use and aid of underwater breathing devices for the purpose of taking channel catfish and flathead catfish is prohibited

Crawford County Conservation Area Ponds, Crawford County

Dawson Lake and Park Ponds, Moraine Veilw State Park, McLean County



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Decatur Park District Ponds, City of Decatur, Macon County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Devil's Kitchen Lake, U.S. Fish and Wildlife Service, Williamson County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes Lake and Ponds, Stephen A. Forbes State Park, Marion County except that carp, buffalo, and bowfin may be taken by pitchfork, bow and arrow devices and gigs

Forest Park Lagoon, City of Shelbyville, Shelby County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Franklin Creek in Franklin Creek State Natural Area, except that all fishing is prohibited in any area from Mondays Bridge upstream to the State property line east of headquarters, and in an area from a point 300' upstream of trail marker 0, upstream to trail marker 4.

Gale Lake, Village of East Galesburg, Knox County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Hennepin Canal and Feeder Canal, Hennepin Canal Parkway State Park, Bureau, Henry, Rock Island, and Whiteside Counties, except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices during May and June. All jugs must have owner's/user's name and complete address affixed.

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Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hormel Ponds, Donnelly State Fish and Wildlife Area, Bureau County, except that carp, buffalo, suckers and gar may be taken by bow and arrow devices or spears during May and June.

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horseshoe Lake, Horseshoe Lake State Park, Madison County, except that sport fishermen may use trot lines but they must be set at least 200 feet from shore

Horton Lake, Nauvoo State Park, Hancock County

Illinois Department of Transportation Lake, State of Illinois, Sangamon County

Illinois and Michigan Canal, State of Illinois, Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Johnson Sauk Trail Lake and Ponds, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

Kickapoo State Park Lakes and Ponds, Vermilion County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District (~~Acorn Pond, Banana Lake, Beaver Pond, Greenbelt Lake #1, Greenbelt Lake #2, Heron Pond, Old School Pond, Sterling Lake, Taylor Lake, and Wright Woods Pond~~), Lakes, County of Lake, Lake County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

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- Paris East and West Lakes, City of Paris, Edgar County
- Pierce Lake, Rock Cut State Park, Winnebago County, except that sport fisherman may take carp by means of pitchfork, bow and arrow devices, and gigs during May and June
- Pounds Hollow Lake, Shawnee National Forest, Gallatin County
- Powerton Lake, Powerton Lake Fish and Wildlife Area, Tazewell County
- Pyramid State Park Lakes and Ponds, Perry County
- Ramsey Lake, Ramsey Lake State Park, Fayette County
- Randolph County Lake, Randolph County Conservation Area, Randolph County
- Red Hills Lake, Red Hills State Park, Lawrence County
- Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties
- ~~Reek Springs Pond, Macon County Conservation District, Macon County~~
- Sam Dale Conservation Area Lake and Pond, Wayne County
- Sam Parr Lake, Sam Parr State Park, Jasper County
- Sangchris Lake State Park Lake and Ponds, Sangamon and Christian Counties
- Shabbona Lake, Shabbona Lake State Park, DeKalb County
- Siloam Springs Lake, Siloam Springs State Park, Adams County
- Silver Springs State Park Lakes and Ponds, Silver Springs State Park, Kendall County
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County
- Sparta City Lakes, City of Sparta, Randolph County
- Spring Lake, City of Macomb, McDonough County
- Spring Lake (North and South), Spring Lake Conservation Area, Tazewell County, except that carp and buffalo may be taken by bow and arrow devices during May and June

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- Tecumseh Lake, Shawnee National Forest, Hardin County
- Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County
- Turner Lake, Chain O'Lakes State Park, Lake County
- Tuscola City Lake, City of Tuscola, Douglas County
- Valley Lake, Wildwood Park District, Lake County
- Villa Grove West Lake, City of Villa Grove, Douglas County
- Virginia City Reservoir, City of Virginia, Cass County
- Walnut Point Lake, Walnut Point State Park Fish and Wildlife Area, Douglas County
- Washington County Lake, Washington County Conservation Area, Washington County
- Weinberg-King Pond, Weinberg-King State Park, Schuyler County
- Weldon Springs Lake, Weldon Springs State Park, DeWitt County
- Whoopie Cat Lake, Shawnee National Forest, Hardin County
- Wolf Lake, William W. Powers Conservation Area, Cook County
- Woodford County Conservation Area (Fishing Ditch Portion of the Area), Woodford County
- Wyman Lake, City of Sullivan, Moultrie County

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 810.40 Daily Catch and Size Limits**

- a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with mouth closed and tail lobes pressed together.
- b) No Person may remove the head or tail of fishes to which length limits apply while on the waters to which length limits apply. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.

(c) Limits by type of fish

1) CHANNEL CATFISH

A) Statewide Regulations.

There are no daily catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

i) All channel catfish taken must be 14 inches in total length or longer in the following waters:

Fox-Ridge-Lake, Fox-Ridge-State-Park, Coles-County

ii) Daily catch limit is 6 channel catfish in the following waters:

Allison Lake, City of Allison, Logan County

Andover Lake, City of Andover, Henry County

Argyle Lake, Argyle Lake State Park, McDonough County

Ashland Reservoir, City of Ashland, Cass County

Ashley Reservoir, City of Ashley, Washington County

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Bay Creek Lake, U.S. Forest Service, Pope County

Beall Woods Lake, Beall Woods Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Borah Lake, City of Olney, Richland County

Buckner City Reservoir, City of Buckner, Franklin County

Bunker Hill Lake, City of Bunker Hill, Macoupin County

Burrells Wood Park Pond, White County

Canton Lake, City of Canton, Fulton County

Carthage Lake, City of Carthage, Hancock County

Champaign-County-Forest-Reserve--Park--Park--Forest-Reserve, Champaign-County

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Park Lake and Pond, City of Flora, Clay County

Citizen's Lakes (North and South), City of Monmouth, Warren County

Cook County Forest Preserve District (Busse Lake, Maple Lake and Tampier Lake), Cook County

Coulterville City Lake, City of Coulterville, Randolph County

Crawford County Conservation Area Ponds, Crawford County

Dawson Lake and Park Ponds, Moraine View State Park, McLean County

Decatur Park District Ponds, City of Decatur, Macon County

Delancey, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Eldorado New City Lake, City of Eldorado, Saline County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

~~Elwood City Lake, City of Elwood, Will County~~

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes State Lake and Ponds, Stephen A. Forbes State Park, Marion County

Forest Park Lagoon, City of Shelbyville, Shelby County

Four Lakes, Winnebago County Forest Preserve, Winnebago County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Gale Lake, ~~City of Galesburg~~ Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Greenfield Old City Lake, Kingsbury Park District, Bond County

Greenville Old City Lake, City of Greenville, Bond County

Harrisburg New City Reservoir, City of Harrisburg, Saline County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Herrick Lake, DuPage County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Hidden Springs State Forest Ponds, Shelby County

Highland Old City Lake, City of Highland, Madison County

Hillsboro Old City Lake, City of Hillsboro, Montgomery County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hormel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horton Lake, Nauvoo State Park, Hancock County

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Illinois Department of Transportation Lake, Illinois Department of Transportation, Sangamon County

~~I&M Canal, Illinois and Michigan Canal, Illinois and Michigan Canal State Trail, Grundy, Will and LaSalle Counties~~

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

~~Kendall County Lake #1, County of Kendall~~ Kendall County Forest Preserve, Kendall County

Kickapoo State Park Lakes and Ponds, Vermilion County

Lake Atwood, McHenry County Conservation District, McHenry County

NOTICE OF PROPOSED AMENDMENTS

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

Lake Williamsville, City of Williamsville, Sangamon County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Cedar Lake, Shawnee National Forest, Jackson County

Little Grassy Lake, U.S. Fish and Wildlife Service, Williamson County

Little Sister Lake, County of Fulton, Fulton County

Lyerla Lake, Union County Conservation Area, Union County

Macon County Ponds, Macon County Conservation District, Macon County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

McCullom Lake, McHenry County Conservation District, McHenry County

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Park Ponds, Champaign County Forest Preserve, Champaign County

Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Monroe Reservoir, Will County Forest Preserve District, Will County

NOTICE OF PROPOSED AMENDMENTS

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District (Barnes Lake, Greenbelt Lake #1, Greenbelt Lake #2, Old School Pond, Sterling Lake, Laylor Lake, and Wright Woods Pond) Lakes, County of Lake, Lake County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Glendale, Shawnee National Forest, Pope County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Mendota, City of Mendota, LaSalle County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake Mingo and Ponds, Kennukuk Cove Park, Vermillion County Conservation District, Vermillion County

Lake Murphyboro, Lake Murphyboro State Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette County

Lake Paradise Shadow Ponds, City of Mattoon, Coles County

Lake of the Woods and Elks Pond, Champaign County Forest Preserve District, Champaign County

Lake Shelbyville Management State Fish and Wildlife Area Ponds, Lake Shelbyville Wildlife Management State Fish and Wildlife Area, Moultrie County

Lake Shelbyville Project Ponds and Woods Lake (but not Lake Shelbyville), U. S. Army Corps of Engineers, Moultrie and Shelby Counties

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- Montrose Lake, City of Montrose, Effingham County
- Mt. Olive City Lakes, City of Mt. Olive, Macoupin County
- Mt. Sterling Lake, City of Mt. Sterling, Brown County
- Mundelein Park District (Diamond Lake and ~~Knoll Park Pond~~ Park Ponds), City of Mundelein, Lake County
- Nashville City Lake, City of Nashville, Washington County
- Oakhurst Lake, City of Aurora, Kane County
- Oakland City Lake, City of Oakland, Coles County
- One Horse Gap Lake, Shawnee National Forest, Pope County
- Palmyra City Lake and Terry Park Pond, City of Palmyra, Macoupin County
- Pana Lake, City of Pana, Shelby and Christian Counties
- Paris East and West Lakes, City of Paris, Edgar County
- Pierce Lake, Rock Cut State Park, Winnebago County
- Pocahontas Park Pond, City of Pocahontas, Bond County
- Pounds Hollow Lake, Shawnee National Forest, Gallatin County
- Powerton Lake, Powerton Lake Conservation Area, Tazewell County
- Pratts Wayne Woods Lakes, DuPage County Forest Preserve, DuPage County
- Pyramid State Park Lakes and Ponds, Perry County
- Ramsey Lake, Ramsey Lake State Park, Fayette County
- Randolph County Lake, Randolph County Conservation Area, Randolph County

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- Red Hills Lake, Red Hills State Park, Lawrence County
- Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties
- ~~Reek - Springs - Pond, -- Macon -- County -- Conservation District, -- Macon -- County~~
- Roodhouse Park Lake, City of Roodhouse, Greene County
- Sam Dale Conservation Area Lake and Ponds, Wayne County
- Sam Parr Lake, Sam Parr State Park, Jasper County
- Sand Lake, Illinois Beach State Park, Lake County
- Senior Citizen's Pond, Kankakee River State Park, Kankakee County
- Shabbona Lake, Shabbona Lake State Park, DeKalb County
- Shawnee National Forest Lakes and Ponds, Shawnee National Forest, all counties
- Siloam Springs Lake, Siloam Springs State Park, Adams County
- Silver Springs State Park Lakes and Ponds, Kendall County
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County
- Sparta City Lakes, City of Sparta, Randolph County
- Spring Lake, City of Macomb, McDonough County
- Spring Lake North and South, Spring Lake Conservation Area, Tazewell County
- Staunton City Lake, City of Staunton, Macoupin County
- Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County

NOTICE OF PROPOSED AMENDMENTS

Teoumseh Lake, Shawnee National Forest, Hardin County

Turner Lake, Chain O'Lakes State Park, Lake County  
Tuscola City Lake, City of Tuscola, Douglas County  
Valley Lake, Wildwood Park District, Lake County

Vandalia Correctional Facility Ponds, State of Illinois, Marion County

Vanhorn Woods Pond, Will County Forest Preserve District, Will County

Vernor Lake, City of Olney, Richland County

Villa Grove West Lake, City of Villa Grove, Douglas County

Virginia City Reservoir, City of Virginia, Cass County  
Walnut Point Lake, Walnut Point State Park Fish and Wildlife Area, Douglas County

Walton Park Lake, City of Litchfield, Montgomery County

Washington County Lake, Washington County Conservation Area, Washington County

Waverly Lake, City of Waverly, Morgan County

Weinberg-King Pond, Weinberg-King State Park, Schuyler County

Weldon Springs Lake, Weldon Springs State Park, DeWitt County

West Frankfort New City Lake, City of West Frankfort, Franklin County

West Frankfort Old City Lake, City of West Frankfort, Franklin County

White Hall City Lake, City of White Hall, Greene County

NOTICE OF PROPOSED AMENDMENTS

Whoopee Cat Lake, Shawnee National Forest, Hardin County

Wolf Lake, William W. Powers Conservation Area, Cook County

Wyman Lake, City of Sullivan, Moultrie County

2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS

A) Statewide Regulations.

Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

i) All largemouth bass and smallmouth bass taken must be 12 inches in total length or longer in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Iowa (River Miles 361.4 to 580.7).

ii) All largemouth bass taken must be 12 inches in total length or longer in the following waters:

U.S. Forest Service Lakes and Ponds less than 10 surface acres, U.S. Department of Agriculture, Multiple Counties Southern Illinois.

iii)

All largemouth or smallmouth bass taken must be 14 inches in total length or longer in the following waters:

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Borah Lake, City of Olney, Richland County

Carlyle Lake (including its tributary streams and those portions of the Kaskasda River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries) U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

~~Champaign--County--Forest--Preserve--Park--Ponds,  
Champaign-County-Forest-District,-Champaign-County~~

Charleston Side Channel Lake, City of Charleston,  
Coles County

Charlie Brown Lake and Pond, City of Flora, Clay  
County

Clinton Lake, Clinton Lake State Recreation Area,  
DeWitt County

Defiance, Tomahawk, Warrior and Wilderness Lakes,  
Moraine Hills State Park, McHenry County

Dolan Lake, Dolan Lake Conservation Area, Hamilton  
County

Forbes State Lake and Ponds, Forbes State Fish and  
Wildlife Area, Marion County

Fox Chain O'Lakes, including the Fox River South of  
the Illinois-Wisconsin Line to the McHenry Dam, State  
of Illinois, Lake and McHenry Counties

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair  
County

Hennepin Canal, Hennepin Canal Parkway State Park,  
Rock Island, Henry, Bureau and Whiteside Counties

Hennepin Canal Mainline and Feeder, Hennepin Canal  
State Park, Rock Island, Henry, Bureau and Whiteside  
Counties

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve  
District, Champaign County

Hormel Ponds, Donnelly State Fish and Wildlife Area,  
Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area,  
Alexander County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail  
State Park, Henry County

Jones State Lake, Glen O. Jones Conservation Area,  
Saline County

Lake Carlton, Morrison-Rockwood State Park,  
Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock  
Island Forest Preserve District, Rock Island County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park,  
Stephenson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond, Champaign County  
Forest Preserve District, Champaign County

Lake Paradise and Shadow Ponds, City of Mattoon,  
Coles County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville (including its tributary streams and  
those portions of the West Okaw and Kaskaskia Rivers  
up to Lake Shelbyville Project boundaries), Lake  
Shelbyville Project Ponds and Woods Lake, U.S. Army  
Corps of Engineers, Shelby and Moultrie Counties

Lake Shelbyville Management State Fish and Wildlife  
Area Ponds, Lake Shelbyville Wildlife Management State  
Fish and Wildlife Area, Moultrie County

Lake Vandalia, City of Vandalia, Fayette County

Mattoon Lake, City of Mattoon, Coles, Cumberland  
and Shelby Counties County

McLeansboro City Lakes, City of McLeansboro,  
Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac  
County

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## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- v) All largemouth (or smallmouth) bass taken must be 15 inches in total length or longer in the following waters:
- Ashland City Reservoir, City of Ashland, Cass County
- Ashley Reservoir, City of Ashley, Washington County
- Beall Woods Lake, Beall Woods Conservation Area, Wabash County
- Beaver Dam Lake, Beaver Dam State Park, Macoupin County
- Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County
- Centralia Lake, City of Centralia, Marion County
- Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County
- Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County (See Section 810.40(c)(2)(B)(viii))
- Crawford County C.A. Ponds, Crawford County Conservation Area, Crawford County
- Dawson Lake and Ponds, Moraine View State Park, McLean County
- ~~Diamond Lake, Lake County~~
- Gale Lake, Village of East Galesburg, Knox County
- Gillespie Old City Lake, City of Gillespie, Macoupin County
- Glen Shoals Lake, City of Hillsboro, Montgomery County
- Governor Bond Lake, City of Greenville, Bond County
- Lake County Forest Preserve District Lakes, County of Lake, Lake County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- Lake Jacksonville, City of Jacksonville, Morgan County
- Lake Mingo and Ponds at Kennekuk Cove Park, Vermilion County Conservation District, Vermilion County
- Lake Murphysboro, Murphysboro State Park, Jackson County
- Lake Springfield, City of Springfield, Sangamon County
- Lake Vermilion, Vermilion County Conservation District, Vermilion County
- Lake Williamsville, City of Williamsville, Sangamon County
- Little Sister Lake, ~~Canton Park District~~ Fulton County
- Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy County
- Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County
- Otter Lake, Otter Lake Water Commission, Macoupin County
- Red Hills Lake, Red Hills State Park, Lawrence County
- Sam Parr State Park, Jasper County
- Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties
- Silver Springs State Park Lakes and Ponds, Silver Springs State Park, Kendall County
- Sparta City Lakes, City of Sparta, Randolph County
- Turner Lake, Chain O'Lakes State Park, Lake County
- Virginia City Reservoir, City of Virginia, Cass County
- Valley Lake, Wildwood Park District, Lake County

NOTICE OF PROPOSED AMENDMENTS

Waverly Lake, City of Waverly, Morgan County

(vi) No more than one (1) largemouth or smallmouth bass 15 inches in total length or longer and two (2) largemouth or smallmouth bass less than 15 inches in total length may be taken daily in the following waters:

(vii) All largemouth or smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area, Jackson County

Lasalle Lake, Lasalle Power Station, Lasalle County

Nashville City Lake, City of Nashville, Washington County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

(viii) All smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County, until such time as the water level reaches the spillway elevation of 405 feet mean sea level, at which time the length limit shall revert to 15 inches minimum (See Section 810.40(x)(2)(B)(v))

Lasalle Lake, Lasalle Fish and Wildlife Area, Lasalle County

(ix) Daily catch limit shall not exceed 3 largemouth bass or smallmouth bass, singly or in aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

NOTICE OF PROPOSED AMENDMENTS

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

Delance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Biamond-Lake, City of Mundelein, Lake County

Gale Lake, City of Galesburg, Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Lake Kakusha, City of Mendota, Lasalle County

Little Sister Lake, County of Fulton, Fulton County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Valley Lake, Wildwood Park District, Lake County

- ~~x)~~ All largemouth bass taken must be 18 inches in total length or longer in the following waters:

~~Heidecke Lake State Fish and Wildlife Area, Grundy County~~

- ~~ix)~~ Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which may be greater than 15 inches in length and none of which may be greater than 12 inches but less than 15 inches in length, in the following waters:

Argyle Lake, Argyle Lake State Park, McDonough County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

- ~~ix)~~xi) Daily Catch limit shall not exceed one (1) largemouth bass or smallmouth bass in the following waters:

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District Lakes, Lake County Forest Preserve District, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Turner Lake, Chain O'Lakes State Park, Lake County

- ~~ix)~~xi) All largemouth bass taken must be 21 inches in total length or longer in the following waters:

Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- ~~iv)~~xiii) All smallmouth bass caught from the waters of the South Branch of the Kishwaukee River in DeKalb, Ogle and Winnebago Counties must be immediately released back into the River at the location they were caught until July 1, 1989.

## 3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS

## A) Statewide Regulations.

- i) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer.
- ii) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate may be taken per day.
- iii) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.
- iv) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

## B) Site Specific Regulations.

- i) Daily catch limit shall not exceed 5 northern pike in that portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).
- ii) Daily catch limit shall not exceed 1 northern pike in that portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

## 4) CRAPPIE (BLACK AND WHITE CRAPPIE)

## A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

## B) Site Specific Regulations.

- i) All crappie taken from the following waters must be 9 inches in total length or longer:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Clinton Lake, Clinton Lake State Recreation Area, Dewitt County

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Ramsey Lake, Ramsey Lake State Park, Fayette County

Sangochris Lake, Sangochris Lake State Park, Sangamon and Christian Counties

All crappie taken from the following waters must be 10 inches in total length or longer:

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

The daily catch limit is 25 crappie in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Clinton Lake, Clinton Lake State Recreation Area, Dewitt County

East Fork Lake, City of Olney, Richland County

Governor Bond Lake, City of Greenville, Bond County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Sangochris Lake, Sangochris Lake State Park, Sangamon and Christian Counties

The daily catch limit is 10 crappie in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

Lake Kakusha, City of Mendota, LaSalle County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

The daily catch limit is 5 crappie in the following waters:

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Pierce Lake, Rock Cut State Park, Winnebago County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

## 5) BLUEGILL AND REDEAR SUNFISH

## A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

## B) Site Specific Regulations.

- i) Daily catch limit is 25 bluegill and redear sunfish either singly or in the aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

~~Champaign County Forest Preserve Park Ponds, Champaign County~~

Lake Mingo and Ponds at Kennekuk ~~Gave~~Cove Park, Vermilion County Conservation District, Vermilion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Storey, City of Galesburg, Knox County

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve, Champaign County

- ii) Daily catch limit is 10 bluegill and redear sunfish, either singly or in the aggregate, in the following waters:

Citizen's Lakes (North and South), City of Monmouth, Warren County

Gale Lake, ~~City of~~Village of East Galesburg, Knox County

Gladstone Lake, Henderson County Conservation Area, Henderson County

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Little Sister Lake, ~~Ganton Park District~~Fulton County of Fulton, Fulton County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

- iii) Daily catch limit is 5 bluegill and redear sunfish, either singly or in the aggregate, in the following waters:

Pierce Lake, Rock Cut State Park, Winnebago County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

## 6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND HYBRIDS

## A) Statewide Regulations.

There is no daily catch limit or minimum size limit for striped bass (ocean rockfish), white bass, and their hybrids which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.

## B) Site Specific Regulations.

- i) All striped bass (ocean rockfish), white bass and their hybrids taken in the following waters must be 17 inches in total length or longer and the daily catch limit is 3 fish, either singly or in the aggregate:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Charleston Side Channel Lake, City of Charleston, Coles County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

NOTICE OF PROPOSED AMENDMENTS

Crab Orchard Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

Forbes Lake, Stephen A. Forbes State Park, Marion County

Glenn Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Lake Bloomington, City of Bloomington, McLean County

Lake Vandalia, City of Vandalia, Fayette County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Other Lake, Other Lake Water Commission, Macoupin County

Pittsfield City Lake, City of Pittsfield, Pike County

Spring Lake, City of Macomb, McDonough County

Washington County Lake, Washington County Conservation Area, Washington County

ii)

No more than 10 striped bass (ocean rockfish) white bass and their hybrids, either singly or in the aggregate, may be taken per day with no more than 3 fish measuring 17 inches or greater in length:

Heiddecke Lake State Fish and Wildlife Area, Grundy County

Lasalle Lake, Lasalle Fish and Wildlife Area, Lasalle County

Powerton Lake, Powerton Lake State Fish and Wildlife Area, Tazewell County

7) TROUT AND SALMON

NOTICE OF PROPOSED AMENDMENTS

A) Statewide Regulations.

Daily catch limit is 5 trout or salmon, either singly or in the aggregate, not more than 3 of which may be lake trout.

B) Site Specific Regulations.

i) All trout and salmon taken in Lake Michigan must be 10 inches in total length or longer.

ii) All trout taken in PiscasaW Creek, MOHenry County, must be 9" or longer in total length.

iii) The Department of Conservation will publicly announce in advance those areas that will be stocked during each spring and fall season.

iv) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the first Saturday in April (both dates inclusive) which were taken during that period from the following waters:

Agricultural Center Pond, Dixon Springs Ag. Center, Pope County

Apple River, Jo Daviess County

Atwood Lake, McHenry County Conservation District, MOHenry County

Big Lake, Silver Springs State Park, Kendall County

Bird Park Quarry, City of Kankakee, Kankakee County  
Boston Pond, Stephen A. Forbes State Park, Marion County

Campus Pond, Eastern Illinois University, Coles County  
Cave-In-Rock Pond, Cave-In-Rock State Park, Hardin County

Clear Lake, Kickapoo State Park, Vermillion County

Coleta Trout Pond, State of Illinois, Whiteside County  
Ferme Clyffe Lake, Ferme Clyffe State Park, Johnson County



## DEPARTMENT OF CONSERVATION

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Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Gebhard Woods Ponds, Gebhard Woods State Park, Grundy County

Hennepin Canal, Hennepin Canal Parkway State Park, Bureau County

Illinois Department of Transportation Lake, Sangamon County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake Pond, Saline County Conservation Area, Saline County

Kent Creek, Winnebago County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake of the Woods and Elk's Pond, Champaign County Forest Preserve District, Champaign County

Miller Park Lake, City of Bloomington, McLean County

Pine Creek, Ogle County

Piscasaw Creek, McHenry County

Rock Creek, Kankakee County

Rock Springs Pond, Macon Co. Conservation District, Macon County

Sam Dale Pond, Sam Dale Conservation Area, Wayne County

Sand Lake, Illinois Beach State Park, Lake County

Siloam Springs Lake, Siloam Springs State Park, Adams County

## DEPARTMENT OF CONSERVATION

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Silver Lake, Forest Preserve District of DuPage County, DuPage County

Waddams Creek, Stephenson County

Washington Park Pond, Springfield Park District, Sangamon County

Wyman Lake, City of Sullivan, Moultrie County

Yellow Creek, Stephenson County

v) It shall be illegal to possess trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period from the following waters:

Agricultural Center Pond, Dixon Springs Ag. Center, Pope County

Argyle Lake, Argyle Lake State Park, McDonough County

Axehead Lake, Cook County Forest Preserve, Cook County

Banana Lake, Lake County Forest Preserve District, Lake County

Beall Woods Lake, Beall Woods State Park, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Belleau Lake, Cook County Forest Preserve, Cook County

Big Lake, Silver Springs State Park, Kendall County

Bird Park Quarry, City of Kankakee, Kankakee County

Boston Pond, Stephen A. Forbes State Park, Marion County

Campus Pond, Eastern Illinois University, Coles County

Canton Park District Trout Pond, Canton Park District, Fulton County

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Dolan Lake, Hamilton County Conservation Area,  
Hamilton County

East Fork Lake, City of Olney, Richland County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Heidecke Lake State Fish and Wildlife Area, Grundy  
County

Hennepin Canal, Hennepin Canal State Park, Rock  
Island, Henry, Bureau and Whiteside Counties

Kaskaskia River and all tributaries, Champaign,  
Douglas, Coles, Moultrie, Shelby, Fayette, Bond,  
Clinton, Washington, St. Clair, Monroe and Randolph  
Counties

Kincaid Lake, Kincaid Lake Fish and Wildlife Area,  
Jackson County

Lake Bloomington, City of Bloomington, McLean  
County

Lake Carlton, Morrison-Rockwood State Park,  
Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock  
Island Forest Preserve District, Rock Island County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park,  
Stephenson County

Lake Mingo, Vermilion County Conservation District,  
Vermilion County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville, U. S. Army Corps of Engineers,  
Moultrie and Shelby Counties

Lake Springfield, City of Springfield, Sangamon County

Lake Vermilion and the portion of the North Fork of  
the Vermilion River between the Lake Vermilion Dam  
and the Interstate Water Company's Pump Station

DEPARTMENT OF CONSERVATION

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Spillway, Vermilion County Conservation District,  
Vermilion County

Mazonia-Braidwood State Fish and Wildlife Area Lakes  
and Ponds, Mazonia-Braidwood State Fish and Wildlife  
Area, Grundy and Will Counties

Mill Creek Lake, Clark County Park District, Clark  
County

Newton Lake, Newton Lake State Fish and Wildlife  
Area, Jasper County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Randolph County Lake, Randolph County Conservation  
Area, Randolph County

Schy-Rush Lake, City of Rushville, Schuyler County

Shabbona Lake, Shabbona Lake State Park, DeKalb  
County

Snake Den Hollow Lakes, Snake Den Hollow State Fish  
and Wildlife Area, Knox County

Sterling Lake, Lake County Forest Preserve District,  
Lake County

Wolf Lake, William W. Powers Conservation Area, Cook  
County

ii) All walleye and sauger taken must be 16 inches in  
total length or longer in the following waters:

Busse Lake, Cook County Forest Preserve, Cook County

Tampier Lake, Cook County Forest Preserve, Cook  
County

Fox Chain O'Lakes, including the Fox River South of  
the Illinois Wisconsin line to the McHenry Dam, State  
of Illinois, Lake and McHenry Counties

iii) All walleye and sauger taken must be 22 inches in  
total length or longer in the following waters:

Powerton Lake, Tazewell County

iv) Daily catch limit shall not exceed 10 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

v) Daily catch limit shall not exceed 8 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

vi) Daily catch limit shall not exceed 1 walleye or sauger, either singly or in the aggregate, in the following waters:

Powerton Lake, Tazewell County

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 810.100 Bed Protection

a) It is unlawful to operate any motorized vehicle upon the bed of any public water wholly or partially within the State of Illinois.

b) The following vehicles are exempted from the above subsection:

1) Vehicles operating under a permit issued by the Illinois Department of Transportation;

2) Farm vehicles while being used for farming purposes; and

3) Vehicles owned or operated by United States, State of Illinois, or a political subdivision thereof.

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1) Heading of the Part: Prevailing Wage Hearing Procedures

2) Code Citation: 56 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:

Renumbered, Amended	100.5
Renumbered	100.10
Amendment	100.20
New Section	100.22
New Section	100.24
New Section	100.26
Amendment	100.30
Amendment	100.60
Amendment	100.100
Amendment	100.120

4) Statutory Authority:

Ill. Rev. Stat. 1987, ch. 48, par. 39S-1 et seq., as amended by P.A. 86-693 and 86-799, both effective January 1, 1990.

5) A Complete Description of the Subjects and Issues Involved:

The Department is making changes in procedure and adding definitions to the existing hearing rule to provide for hearings after a contractor or subcontractor is automatically prohibited from being awarded public works contracts after two violations of the Prevailing Wage Act. The debarred contractor must request a hearing. Definitions of "violation", "second violation", "prevailing hourly rate of wages", and "accurate records" are added. Nonsubstantive revisions of citations are also made.

6) Will this rulemaking replace an Emergency Rule currently in effect? Yes.

7) Does this rulemaking contain an Automatic Repeal Date? No.

8) Does this rulemaking contain Any Incorporations by Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking does not create a state mandate. The rules affect only persons contracting to construct or maintain public works projects.

11) Time, Place, and Manner in which Interested Persons may Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to David Hayes, Manager, Division of Conciliation and Mediation, Illinois Department of Labor, Room 300, One West Old State Capital Plaza,

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62701 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Section 3.101 and 4.032 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to David Hayes at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rule shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking Was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

December 27, 1989

B) Type of Small Businesses Affected:

Construction firms, plumbers, electricians, and others who employ laborers, workers and mechanics in the construction and maintenance of public works.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

These rules do not require any reporting, bookkeeping or other procedure that are not already in existence.

D) Types of Professional Skills Necessary for Compliance:

Elementary bookkeeping skills.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear on page 1026 of this issue of the Illinois Register.

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.304      Proposed Action: Amendment
- 4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the AFDC budgeting schedule. Although this revision will have no effect on AFDC clients, it will permit the Department to improve administrative processing procedures.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes     No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.138	New Section	December 17, 1989 (13 Ill. Reg. 18833)
112.154	Amendment	December 8, 1989 (13 Ill. Reg. 19117)
112.300	Amendment	November 3, 1989 (13 Ill. Reg. 16894)

NOTICE OF PROPOSED AMENDMENT

Section Numbers Proposed Action Illinois Register Citation

112.303 Amendment December 1, 1989 (13 Ill. Reg. 18833)

10) Statement of Statewide Policy Objectives (if applicable)  
(Ill. Rev. Stat. 1987, ch. 85, par. 2205): This rulemaking  
has no effect on local governmental units.

11) Time, place, and manner in which interested persons may  
comment on this proposed rulemaking: Any interested  
parties may submit comments, data, views, or arguments  
concerning the proposed rulemaking. All comments must be  
in writing and should be addressed to Anita Williams, Staff  
Attorney, Office of the General Counsel, Illinois  
Department of Public Aid, Jesse B. Harris Building II, 100  
South Grand Avenue East, 3rd Floor, Springfield, Illinois  
62762 (217) 782-1233. The Department will consider all  
written comments it receives within 30 days of the date of  
publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking  
has no effect on small businesses.

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

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program  
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANGE

112.70

Registration Requirements for Project Change

112.71

Individuals Exempt from Project Change

112.72

Project Change Participation/Cooperation Requirements

112.73

Failure to Participate with the Work Incentive

112.74

Project Change Full Assessment Process/Development of  
Demonstration Program (Renumbered)

112.76

Project Change Orientation

112.77

Illinois Work Experience Program Evaluation Project  
(Renumbered)

112.78

Project Change Components

112.79

Project Change Sanctions

112.80

Good Cause for Failure to Comply with Project Change  
Participation Requirements

112.81

Responsible Relative Eligibility for Project Change

DEPARTMENT OF PUBLIC AID  
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Section

- 112.82 Project Chance Supportive Services
- 112.83 Employment Child Care
- 112.84 Work Experience Evaluation Project
- 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance
- 112.87 Project Advance Experimental and Control Groups
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
- 112.90 Project Advance Sanctions
- 112.91 Good Cause for Failure to Comply with Project Advance
- 112.93 Individuals Exempt From Project Advance
- 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

- 112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.100 Unearned Income
- 112.101 Unearned Income of Stepparent, Parent or Legal Guardian
- 112.105 Budgeting Unearned Income
- 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
- 112.107 Initial Receipt of Unearned Income
- 112.108 Termination of Unearned Income
- 112.110 Exempt Unearned Income
- 112.115 Education Benefits
- 112.120 Incentive Allowances
- 112.125 Unearned Income In-Kind
- 112.126 Earmarked Income
- 112.127 Lump Sum Payments
- 112.128 Protected Income
- 112.130 Earned Income
- 112.131 Earned Income Tax Credit
- 112.132 Budgeting Earned Income
- 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision

DEPARTMENT OF PUBLIC AID

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Section

- 112.134 Initial Employment
- 112.135 Budgeting Earned Income For Contractual Employees
- 112.136 Budgeting Earned Income For Non-Contractual School Employees
- 112.137 Termination of Employment
- 112.140 Exempt Earned Income
- 112.141 Earned Income Exemption
- 112.142 Exclusion From Earned Income Exemption
- 112.143 Recognized Employment Expenses
- 112.144 Income From Work/Study/Training Program
- 112.145 Earned Income From Self-Employment
- 112.146 Earned Income From Roomer and Boarder
- 112.147 Income From Rental Property
- 112.148 Payments from the Illinois Department of Children and Family Services
- 112.149 Earned Income In-Kind
- 112.150 Assets
- 112.151 Exempt Assets
- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers
- 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels in AFDC
- 112.252 Payment Levels in AFDC Group I Counties
- 112.253 Payment Levels in AFDC Group II Counties
- 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Monthly Reporting
- 112.303 Restrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Aliens
- 112.308 Special Needs Authorizations
- 112.309 Institutional Status
- 112.315 Young Parent Program
- 112.320 Redetermination of Eligibility

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Section  
 112.330 Six Month Extension of Medical Assistance Due to Increased Income from Employment  
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 243, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective 1981;

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October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill.



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Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755; effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg.

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1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective January 1, 1990; amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 112.304 Budgeting Schedule

- a) The budget month and payment month for each AFDC case are determined by the schedule the unit is in, which schedule also governs the approximate mailing date of the assistance grant:

<u>SCHEDULE NUMBER</u>	<u>BUDGET MONTH AND PAYMENT MONTH DATES</u>
01	1st-through-last-Day-of-Calendar-Month
02	1st-through-last-Day-of-----"-----"
03	2nd-through-1st-of-next-Calendar-Month
04	3rd-through-2nd--"-----"-----"
05	5th-through-4th--"-----"-----"
06	7th-through-6th--"-----"-----"
07	8th-through-7th--"-----"-----"
08	9th-through-8th--"-----"-----"
09	10th-through-9th--"-----"-----"
10	12th-through-11th--"-----"-----"
11	13th-through-12th--"-----"-----"
12	14th-through-13th--"-----"-----"
13	16th-through-15th--"-----"-----"
14	17th-through-16th--"-----"-----"
15	19th-through-18th--"-----"-----"

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

## Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.19 Ending a Voluntary Quit Disqualification
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt From Work Registration Requirements
- 121.25 Failure to Comply
- 121.26 Period of Disqualification
- 121.27 Voluntary Job Quit
- 121.28 Good Cause for Voluntary Job Quit
- 121.29 Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder
- 121.53 Income From Rental Property

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Section

121.54 Earned Income In-kind

121.55 Sponsors of Aliens

121.57 Assets

121.58 Exempt Assets

121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards

121.61 Gross Monthly Income Eligibility Standards

121.62 Income Which Must Be Annualized

121.63 Deductions From Monthly Income

121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Persons Who May Be Included in the Assistance Unit

121.71 Living Arrangement

121.72 Nonhousehold Members

121.73 Ineligible Household Members

121.74 Strikers

121.75 Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)

121.81 Initiation of Administrative Fraud Hearing (Repealed)

121.82 Definition of Fraud (Renumbered)

121.83 Notification To Applicant Households (Renumbered)

121.84 Disqualification Upon Finding of Fraud (Renumbered)

121.85 Court Imposed Disqualification (Renumbered)

121.90 Monthly Reporting and Retrospective Budgeting

121.91 Monthly Reporting

121.92 Retrospective Budgeting

121.93 Direct Mail Issuance of Food Stamp Coupons

121.94 Replacement of Food Stamp Coupons or ATP Documents

121.95 Restoration of Lost Benefits

121.96 Uses For Food Coupons

121.97 Supplemental Payments

121.98 Food Stamp Simplified Application Demonstration Project (Repealed)

121.120 Recertification of Eligibility

121.130 Residents of Shelters for Battered Women and their Children

NOTICE OF PROPOSED AMENDMENT

Section

121.135 Incorporation By Reference

121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program

121.151 Penalties for Intentional Violations of the Program

121.152 Notification To Applicant Households

121.153 Disqualification Upon Finding of Intentional Violation of the Program

121.154 Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section

121.200 Types of Claims (Recordified)

121.201 Establishing a Claim for Intentional Violation of the Program (Recordified)

121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recordified)

121.203 Collecting Claim Against Households (Recordified)

121.204 Failure to Respond to Initial Demand Letter (Recordified)

121.205 Methods of Repayment of Food Stamp Claims (Recordified)

121.206 Determination of Monthly Allotment Reductions (Recordified)

121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recordified)

121.208 Suspension and Termination of Claims (Recordified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 41, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 42, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 44, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 46, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 47, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 48, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988, amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective January 1, 1990; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## Section 121.92 Retrospective Budgeting

- a) All Food Stamp households shall have income and attendant circumstances budgeted on a retrospective

NOTICE OF PROPOSED AMENDMENT

Section 121.92 Retrospective Budgeting (Cont'd)

- (i) Households entitled to expedited services, determined prospectively, for the month of application;
- (ii) Households applying for cash assistance from the Department at the same time they are applying for food stamps;
- (iv) Households who have lost their source of income prior to applying for food stamps or whose source of income has been significantly reduced prior to applying for food stamps. Income has been significantly reduced if the reduced income (minus 18% of earned income for work expenses) is less than the applicable AFDC Payment Level for that family size.

B) Households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA) or SSI benefits are not entitled to consideration as a serious hardship household.

o) If a household becomes ineligible for food stamps due to a periodic increase in recurring income (e.g. a wage earner is paid every Friday and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.

d) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.

e) The budget month and payment month for each food stamp case are determined by the schedule the household is

NOTICE OF PROPOSED AMENDMENT

Section 121.92 Retrospective Budgeting (Cont'd)

basis except migrant households who are in the migrant job stream.

b) Head Of Household Receives Cash Assistance

1) For households where the Head of Household receives cash assistance from the Department:

Eligibility for food stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. At initial application, however, income and attendant circumstances shall be budgeted prospectively for two months before month, except for households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA), SSI, AFDC or General Assistance.

2) Head Of Household Does Not Receive Cash Assistance

A) For households where the Head of Household does not receive cash assistance from the Department:

Eligibility and the amount of benefits shall be determined retrospectively at all times. However, at initial application households which will suffer serious hardship shall have eligibility and the amount of benefits determined by budgeting income and attendant circumstances prospectively for two months before beginning retrospective budgeting. Households which will suffer serious hardship are:

1) Households which have gained or expect to gain a new household member in the month of application;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 121.92 Retrospective Budgeting (Cont'd)

in, which schedule also governs the approximate mailing date of the food stamp benefits:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
01	1st-through-last-Day-of-Calendar-Month
02	1st-through-last-Day-of-Calendar-Month
03	2nd-through-1st-of-next-Calendar-Month
04	3rd-through-2nd-----"-----"
05	5th-through-4th-----"-----"
06	7th-through-6th-----"-----"
07	8th-through-7th-----"-----"
08	9th-through-8th-----"-----"
09	10th-through-9th-----"-----"
10	12th-through-11th-----"-----"
11	13th-through-12th-----"-----"
12	14th-through-13th-----"-----"
13	16th-through-15th-----"-----"
14	17th-through-16th-----"-----"
15	19th-through-18th-----"-----"
16	20th-through-19th-----"-----"
17	21st-through-20th-----"-----"
18	22nd-through-21st-----"-----"
19	24th-through-23rd-----"-----"
20	26th-through-25th-----"-----"
00	1st through last Day of Calendar Month
01	1st through last Day of Calendar Month
02	1st through last Day of Calendar Month
03	1st through last Day of Calendar Month
04	7th through 6th Day of Calendar Month
05	10th through 9th Day of Calendar Month
06	14th through 13th Day of Calendar Month
07	17th through 16th Day of Calendar Month
08	20th through 19th Day of Calendar Month
09	22nd through 21st Day of Calendar Month

f) The above table applies to all Food Stamp households whether or not they report monthly, and food stamp benefits are mailed at or near the beginning of the payment month.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
  - 2) Code Citation: 89 Ill. Adm. Code 120
  - 3) Section Numbers: Proposed Action:  

120.70	Amendment
120.72	Amendment
120.74	Amendment
120.76	Amendment
  - 4) Statutory Authority: Sections 5-2 and 5-5 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 5-5 et seq.)
  - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets out the federally mandated timetable of percentage increases in the Qualified Medicare Beneficiary (QMB) Income Standard. These percentages are tied to the Federal Poverty Income Guidelines.
  - 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes, to the extent it affects Section 120.74.
  - 7) Does this rulemaking contain an automatic repeal date?  
 Yes  NO
  - 8) Does these Proposed Amendments contain incorporations by reference? No
  - 9) Are there any other Proposed Amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u>        |
|------------------------|------------------------|--|
| 120.10                 | Amendment              | October 6, 1989<br>(13 Ill. Reg. 15582)  |
| 120.20                 | Amendment              | December 8, 1989<br>(13 Ill. Reg. 19157) |
| 120.60                 | Amendment              | October 6, 1989<br>(13 Ill. Reg. 15582)  |
| 120.61                 | Amendment              | October 6, 1989<br>(13 Ill. Reg. 15582)  |

120.61 Amendment December 8, 1989 (13 Ill. Reg. 19157)

120.62 Amendment October 6, 1989 (13 Ill. Reg. 15582)

120.63 Amendment October 6, 1989 (13 Ill. Reg. 15582)

120.284 New Section October 6, 1989 (13 Ill. Reg. 15582)

120.379 New Section December 8, 1989 (13 Ill. Reg. 19157)

120.384 New Section October 6, 1989 (13 Ill. Reg. 15582)

120.385 Amendment December 8, 1989 (13 Ill. Reg. 19157)

120.386 New Section December 8, 1989 (13 Ill. Reg. 19157)

120.390 Amendment November 13, 1989 (13 Ill. Reg. 17229)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building, II, 100 South Grand Avenue East, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB)  
Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified  
Medicare Beneficiary (QMB)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.208 Client Cooperation  
120.210 Citizenship  
120.211 Residence  
120.212 Age  
120.215 Relationship  
120.216 Living Arrangement  
120.217 Supplemental Payments  
120.218 Institutional Status  
120.224 Foster Care Program  
120.225 Social Security Numbers  
120.230 Unearned Income  
120.235 Exempt Unearned Income  
120.236 Education Benefits  
120.240 Unearned Income In-Kind  
120.245 Earmarked Income  
120.250 Lump Sum Payments and Income Tax Refunds  
120.255 Protected Income  
120.260 Earned Income  
120.261 Budgeting Earned Income  
120.262 Exempt Earned Income  
120.270 Recognized Employment Expenses  
120.271 Income From Work/Study/Training Program  
120.272 Earned Income From Self-Employment  
120.273 Earned Income From Roomer and Boarder  
120.275 Earned Income In-Kind

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section  
120.276 Payments from the Illinois Department of Children  
and Family Services  
120.280 Assets  
120.281 Exempt Assets  
120.282 Asset Disregards  
120.283 Deferral of Consideration of Assets  
120.285 Property Transfers  
120.290 Persons Who May Be Included in the Assistance Unit

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
120.295 Payment Levels for AMI  
120.308 Client Cooperation  
120.309 Caretaker Relative  
120.310 Citizenship  
120.311 Residence  
120.312 Age  
120.313 Blind  
120.314 Disabled  
120.315 Relationship  
120.316 Living Arrangements  
120.317 Supplemental Payments  
120.318 Institutional Status  
120.319 Assignment of Rights to Medical Support and  
Collection of Payment  
120.320 Cooperation in Establishing Paternity and Obtaining  
Medical Support  
120.321 Good Cause for Failure to Cooperate in Establishing  
Paternity and Obtaining Medical Support  
120.322 Proof of Good Cause for Failure to Cooperate in  
Establishing Paternity and Obtaining Medical Support  
120.323 Suspension of Paternity Establishment and Obtaining  
Medical Support Upon Finding Good Cause  
120.324 Foster Care Program  
120.325 Social Security Numbers  
120.330 Unearned Income  
120.332 Budgeting Unearned Income  
120.335 Exempt Unearned Income  
120.336 Education Benefits  
120.338 Incentive Allowance  
120.340 Unearned Income In-Kind  
120.342 Court Ordered Child Support Payments of Parent/Step-  
Parent  
120.345 Earmarked Income  
120.346 Medicaid Qualifying Trusts  
120.350 Lump Sum Payments and Income Tax Refunds

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective January 1, 1990; emergency amendment at 14 Ill. Reg. \_\_\_\_\_, January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART D: MEDICARE PREMIUMS

## Section 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

- a) The Department shall pay the premium for Supplementary Medical Insurance benefits (SMIB) (Part B of Medicare) for specified clients in accordance with the buy-in agreement with the Social Security Administration (SSA) and the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360). Individuals may previously have enrolled in SMIB themselves or ~~may-be-automatically~~ they will be enrolled by the Department.
- b) Eligible Individuals

NOTICE OF PROPOSED AMENDMENTS

Section 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program (Cont'd.)

1) The Department shall pay the SMIB premium for the following individuals:

- A) individuals who receive financial assistance (including zero grant) under the AABD or ARDC program;
- B) individuals who, except for the Social Security benefit increase of 1972 (42 CFR 435.134), would still be eligible to receive cash assistance as an aged, blind or disabled person (89 Ill. Adm. Code 113) and who are eligible for both SMIB and the Department's Medicaid program (89 Ill. Adm. Code 120);

- C) individuals with Supplemental Security Income (SSI) income who receive full Medicaid benefits under the AABD program; and
- D) Qualified Medicare Beneficiaries (QMB)s (see Section 120.72).

2) Individuals who qualify under subsections (b)(1)(A) thru (b)(1)(C) above may include individuals not eligible for part A of Medicare (see Title XVIII of the Social Security Act). ~~Beneficiaries of insurance coverage under subsections (b)(1)(A) thru (b)(1)(B) may include persons who would not be eligible for SMIB enrollment-behave-to-enroll-during-prescribed periods-~~

c) Beginning Eligibility

- 1) Individuals who qualify under (b)(1)(A), (b)(1)(B) or (b)(1)(C) shall be added to the SMIB Buy-in Program for the first month in which they are eligible for both SMIB enrollment and medical assistance. Recipients shall remain in the Buy-in Program while in \$0 grant status and for any month in which they qualify under (b)(1)(A) thru (b)(1)(D) above.

NOTICE OF PROPOSED AMENDMENTS

Section 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program (Cont'd.)

2) Individuals who qualify under Subsection (b)(1)(D) shall be added to the SMIB Buy-in program for the first month following the month in which they are determined eligible for QMB status. Recipients shall remain in the SMIB Buy-in program for any month in which they qualify under Subsection (b)(1)(A) thru (b)(1)(D) above.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)

a) Eligibility for Medicare cost sharing exists for Qualified Medicare Beneficiaries (QMB)s. A QMB is an individual who:

- 1) is a beneficiary of Medicare Part A (i.e. Hospital Insurance);

- 2) meets the general non-financial factors of eligibility for the Medicaid program (see Sections 120.310, 120.311, 120.319 and 120.325);
- 3) has countable monthly income which does not exceed the QMB income standard (see Section 120.74); and
- 4) has countable assets which do not exceed the QMB asset disregard (see Section 120.382(d)).

b) QMBs may be eligible for the full range of Medicaid services (see 89 Ill. Adm. Code 140) only if they meet all eligibility requirements for Medicaid (see 89 Ill. Adm. Code 120).

c) Eligibility for Medicare cost sharing is effective the first day of the month following the QMB eligibility determination.

d) QMBs are eligible for Medicaid payment of Medicare cost sharing expenses (i.e., Part A and Part B premiums, deductibles and coinsurance (See Title XVIII

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB) (Cont'd.)

of the Social Security Act.) in accordance with Sections 120.70, 120.76 and 89 Ill. Adm. Code 140.21.

e) Eligibility for QMB status will be redetermined at least every twelve (12) months.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 120.74 Qualified Medicare Beneficiary (QMB) Income Standard

a) The QMB income standard below is equal to 80% a percentage of the 1989 then current Federal Poverty Level Income Guidelines (54-FR-7097, February 16, 1989 as published annually in the Federal Register) for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the QMB income standard, eligibility for QMB status does not exist. The timetable for the applicable percentage is as follows:

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	\$399	5	\$-943
2	535	6	1079
3	671	7	1215
4	807	8	1351

January - December 1989	- 80%
January - December 1990	- 80%
January - December 1991	- 90%
January - December 1992	- 95%
January 1993 on	- 100%

b) ~~When the number in the household unit exceeds the number provided above, add \$163 for each additional person.~~

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.76 Hospital Insurance Benefits (HIB)

a) The Department shall pay the Hospital Insurance Benefit (HIB) (Part A of Medicare) premium for Qualified Medicare Beneficiaries (QMBs) ~~in accordance with the Medicare Catastrophe Coverage Act of 1988~~ (see Section 120.72). Payments will be made in behalf of QMBs who have individually enrolled for HIB with the Social Security Administration and who are charged a HIB premium.

b) The Department will pay the HIB premium beginning the month following the month of the QMB eligibility determination. Payment will continue as long as the individual retains QMB status.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Section Numbers:

- 830.20 Amendment
- 830.880 New Section
- 830.885 New Section
- 830.890 New Section
- 830.900 New Section

4) Statutory Authority:

Structural Pest Control Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2201 et. seq.; Illinois Pesticide Act, Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq. in particular paragraph 803(2), and Section 11(b) of the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 341 (b).

5) A Complete Description of the Subjects and Issues Involved:

The control of nuisance birds in Illinois is necessary due to health, safety, and economic risks, and damage associated with large nuisance bird populations located close to humans. This is the winter roosting season for the large pest starling flocks. When the target flocks of starlings or other nuisance birds are reduced or eliminated using pesticides, particularly fenthion-filled artificial perches, raptors feeding on the poisoned starlings are at risk of becoming ill and dying. The health of the citizens of the State of Illinois requires the control of large nuisance bird populations, but non-target species especially endangered species must be protected from secondary poisoning. Recent information reveals a number of raptor which are endangered species have dead due to the use of fenthion to control large concentrations of starlings at industrial sites in Illinois during the winter months. Therefore, after consultation with the Department of Agriculture and Department of Conservation, the Department of Public Health finds that an emergency situation exists which constitutes a threat to the public interest, safety and welfare of the citizens of the State of Illinois because of unregulated and unmonitored use of bird control pesticides. Furthermore, the Department of Public Health finds that the seasonal nature of these activities precludes the utilization the general rulemaking.

1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Section Numbers:

- 830.20 Amendment
- 830.880 New Section
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The emergency rules consist of the following:

- 1) Incorporated Material (830.20), amended
- 2) Avicide Permit Requirements (830.880),
- 3) Denial or Revocation of Avicide Permits (830.885),
- 4) Bird Control Monitoring and Reporting Requirements (830.890), and
- 5) Bird Control Training Requirements (830.900),

The Department believes that this emergency rulemaking will have little, or no economic impact on those currently regulated under the Structural Pest Control Act. An additional possible impact is that unregulated non-pest control related businesses or institutions that do their own bird control work may be required to hire a commercial pest control company, rather than have the work done by employees. Since most bird control work is done by commercial structural pest control firms, this should affect few entities.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes  No

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes  No

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes  No

If "yes," please specify type: 6.02(a) \_\_\_\_\_ or 6.02(b) \_\_\_\_\_

9) Are there any other Proposed Amendments Pending on this Part?

Yes  No

If Yes: \_\_\_\_\_

Section Numbers

Proposed Action

Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS10) Statement of Statewide Policy Objectives:

These requirements may require local governments such as Municipality, County, Township, School Districts, and Community College Districts to either obtain Avicide Permits for bird control operations conducted by their employees or to hire a commercial structural pest control business.

Since many bird control problems involve local government operations, this requirement is unavoidable.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

December 22, 1989.

B) Type of Small Businesses Affected:

Pest Control Businesses.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Permit Application and Monitor Reports.

D) Types of Professional Skills Necessary for Compliance:DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

No Specific professional skills are necessary for compliance.

The full text of the Proposed Amendments in the same as the text of Emergency Amendments appearing on page 036 of this Illinois Register.

- 1) Heading of the Part: Taxpayer Rights
- 2) Code Citation: 86 Ill. Adm. Code 205
- 3) Section Numbers:  
205.10 New Section  
205.20 New Section  
205.30 New Section
- 4) Statutory Authority: Implementing the Taxpayers' Bill of Rights Act (P.A. 86-189, effective January 1, 1990) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).
- 5) A Complete Description of the Subjects and Issues Involved: Specify Department of Revenue powers and duties under P.A. 86-189. Establish standards for times and places for taxpayer interviews and for recording of interviews.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes  No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:  
R. Dale Yung  
Administrator  
Legal Services Bureau  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6336
- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 27, 1989

- B) Types of small businesses affected: All which are subject to taxes administered by the Department of Revenue.
  - C) Reporting, bookkeeping or other procedures required for compliance: None.
  - D) Types of professional skills necessary for compliance: None.
- The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULES

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 205  
TAXPAYER RIGHTS

## Section

- 205.10 Taxpayer Ombudsman
- 205.20 Department Responsibilities
- 205.30 Taxpayer Interviews

AUTHORITY: Implementing the Taxpayers' Bill of Rights Act (P.A. 86-189, effective January 1, 1990) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

**Section 205.10 Taxpayer Ombudsman**

THERE IS CREATED WITHIN THE DEPARTMENT OF REVENUE AN OFFICE OF TAXPAYER OMBUDSMAN TO INVESTIGATE AND FACILITATE THE RESOLUTION OF TAXPAYER COMPLAINTS; TO IDENTIFY FORMS, PROCEDURES, LAWS OR REGULATIONS WHICH ARE CONFUSING AND LEAD TO TAXPAYER ERROR; AND TO TAKE APPROPRIATE ACTION TO REDUCE CONFUSION AND ERRORS. (Section 3 of the Taxpayers' Bill of Rights Act (the Act) Ill. Rev. Stat. 1987, ch. 120, par. 2303).

**Section 205.20 Department Responsibilities**

THE DEPARTMENT OF REVENUE SHALL HAVE THE FOLLOWING POWERS AND DUTIES TO PROTECT THE RIGHTS OF TAXPAYERS:

- (a) TO FURNISH EACH TAXPAYER WITH A WRITTEN STATEMENT OF RIGHTS WHENEVER SUCH TAXPAYER RECEIVES A PROTESTABLE NOTICE, A BILL, A CLAIM DENIAL OR REDUCTION REGARDING ANY TAX. SUCH STATEMENT SHALL EXPLAIN THE RIGHTS OF SUCH PERSON AND THE OBLIGATIONS OF THE DEPARTMENT DURING THE AUDIT, APPEALS, REFUND AND COLLECTIONS PROCESSES. ALL SUCH WRITTEN TAXPAYER CONTACT SHALL INCLUDE THE PHONE NUMBER OF THE TAXPAYER OMBUDSMAN. (Section 4 of the Act).
- (b) TO INCLUDE ON ALL TAX NOTICES AN EXPLANATION OF TAX LIABILITIES AND PENALTIES. (Section 4 of the Act).
- (c) TO ABATE TAXES AND PENALTIES ASSESSED BASED UPON ERRONEOUS WRITTEN INFORMATION OR ADVICE GIVEN BY THE DEPARTMENT. (Section 4 of the Act).

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULES

- (d) TO NOT CANCEL ANY INSTALLMENT CONTRACTS UNLESS THE TAXPAYER FAILS TO PROVIDE ACCURATE FINANCIAL INFORMATION, FAILS TO PAY ANY TAX OR DOES NOT RESPOND TO ANY DEPARTMENT REQUEST FOR ADDITIONAL FINANCIAL INFORMATION. (Section 4 of the Act).
- (e) TO PLACE NON-PERISHABLE PROPERTY SEIZED FOR TAXES IN ESCROW FOR SAFEKEEPING FOR A PERIOD OF 20 DAYS TO PERMIT THE TAXPAYER TO CORRECT ANY DEPARTMENT ERROR. IF SEIZED PROPERTY IS OF A PERISHABLE NATURE AND IN DANGER OF IMMEDIATE WASTE OR DECAY, SUCH PROPERTY NEED NOT BE PLACED IN ESCROW PRIOR TO SALE. (Section 4 of the Act).
- (f) TO PLACE SEIZED TAXPAYER BANK ACCOUNTS IN ESCROW WITH THE BANK FOR 20 DAYS TO PERMIT THE TAXPAYER TO CORRECT ANY DEPARTMENT ERROR. (Section 4 of the Act).
- (g) TO ADOPT REGULATIONS SETTING STANDARDS FOR SETTING TIMES AND PLACES FOR TAXPAYER INTERVIEWS AND TO PERMIT ANY TAXPAYER TO RECORD SUCH INTERVIEWS. (Section 4 of the Act).
- (h) TO PAY INTEREST TO TAXPAYERS WHO HAVE MADE OVERPAYMENTS AT THE SAME RATE AS INTEREST CHARGED ON UNDERPAYMENTS. (Section 4 of the Act).
- (i) TO GRANT AUTOMATIC EXTENSIONS TO TAXPAYERS IN FILING INCOME TAX RETURNS WHEN SUCH TAXPAYER HAS BEEN GRANTED AN EXTENSION IN FILING A FEDERAL TAX RETURN. (Section 4 of the Act).

**Section 205.30 Taxpayer Interviews**

- a) The times and places for Department initiated taxpayer interviews concerning civil tax liabilities, will be set as follows:
  - 1) the time of the taxpayer interview will be during the Department of Revenue's regular business hours (8:00 a.m. to 5:00 p.m.) or during the taxpayer's regular business hours or at a time mutually agreeable to the Department and the taxpayer to be interviewed.
  - 2) the place of the taxpayer interview will be at the taxpayer's place of business or at the Department of Revenue location closest to the taxpayer's place of business or at a place mutually agreeable to the Department and the taxpayer to be interviewed.
- b) Taxpayer will be permitted to record interviews concerning civil tax liabilities, so long as the recording process does not interfere with the conduct of the interview.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1030  
ISSUANCE OF LICENSES

- Section
- 1030.10 What Persons Shall Not be Licensed or Granted Permits
- 1030.11 Procedure for Obtaining a Driver's License
- 1030.15 Cite for Re-examination
- 1030.20 Classification of Drivers-References
- 1030.30 Classification Standards
- 1030.40 Fifth Wheel Equipped Trucks.
- 1030.50 Bus Driver's Authority, Religious Organization
- 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
- 1030.60 Employer Certification Program
- 1030.63 Religious Exemption for Social Security Numbers
- 1030.65 Instruction Permits
- 1030.70 Driver's License Testing/Vision Screening
- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
- 1030.80 Driver's License Testing/Written Test
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts/Road Test
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Licenses
- 1030.90 Requirement For Photograph and Signature of Licensee On Driver's License
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Diplomatic and Consular Licenses
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- Appendix A Questions Asked of a Driver's License Applicant
- Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1030.80 Driver's License Testing/Written Test

Any applicant for an initial or renewal driver's license who is required to take a written test shall comply with the following provisions:

- a) Classification of licenses is established in Sections 1030.20- through 1030.40 of this part.
- b) An applicant for a class AD license shall be required to take a written test consisting of not more than 35 questions, of which 80% percent must be answered correctly in order to be eligible for a class AD license.
- c) An applicant for a class B, C, D, C, B, A, or L-M license shall be required to take the written test as set forth in paragraph (b) above. Said applicant shall also take a written examination established by the Secretary of State for the classification or classification(s) and/or endorsement(s) applied for. The number of questions required to be answered is dependent upon the classification(s) and/or endorsement(s) applied for. Each written classification and/or endorsement examination shall consist of not more than 25 35 questions, of which 80% percent must be answered correctly in order for the applicant to be eligible for the classification(s) and/or endorsements applied for.
- d) All applicants shall be required to answer an identical number of questions. The number of questions required to be answered is dependent upon the classification or classifications applied for.

1) The Heading of the Part: Organizational Chart, Description, Rulemaking Procedure, and Programs

2) Code Citation: 2 Ill. Adm. Code 700

3) Section numbers: Adopted Action:

700.30	Amend
700.40	Amend
700.50	Amend
700.70	Amend
700.80	Amend
700.100	Amend
700.140	Amend
700.APPENDIX E	New

4) Statutory Authority: The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01); Illinois Fertilizer Act (Ill. Rev. Stat. 1987, ch. 5, par. 55.6a, as amended by P.A. 86-232, effective August 15, 1989).

5) Effective Date of Amendments: December 27, 1989

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 19, 1989

9) Notices of Proposal Published in Illinois Register: Because this is internal rulemaking, no notice of proposed rulemaking appeared in the Illinois Register.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: N/A

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

The amendments update the descriptions of activities presently being performed in the Divisions of Animal Industries, Marketing, Natural Resources, and Plant

ed) The written examinations set forth in paragraphs (b) and (c) of this Section shall be in the English and/or Spanish language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.

ee) An applicant who is illiterate shall be given the written examination orally.

ef) An applicant who cannot read or write the English or Spanish language, or other available foreign language, shall be eligible to take the written exam. The driver facility supervisor, his/her assistant or designee, may provide or recommend an interpreter for the applicant's language if an interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of a nonrelated or uninterested interpreter.

eg) An applicant shall demonstrate his/her ability to read and understand official traffic control devices.

eh) Any licensee who desires to change his/her classification and/or endorsements prior to renewal of such license shall be required to take the written examination for the classification or classifications and/or endorsements said applicant desires to obtain.

fi) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit Form for 88-03 (Illinois State Board of Education Form 42.49) or its superseding form. The applicant shall be given a special test consisting of not more than 30 24 questions, of which 22 must be answered correctly in order to be eligible for such a permit.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Industries and Consumer Services. Language has been clarified and the location of branch offices updated.

A new committee was created within the Department by P.A. 86-232, and the organization chart has been updated to show the Fertilizer Research and Education Council.

Laws that the Department administers, which are the agency's programs, has been updated to show recent legislation that the Department is charged with implementing.

The Fertilizer Research and Education Council has been organized within the Department, and its operational procedure outlined in Appendix E. This council will be soliciting research and education proposals relative to fertilizer from the public and will be recommending funding of projects; therefore, its procedures and the information it will be requesting from the interested public are outlined in order to assist the public in making presentations to the council.

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

Name: Donna Garman  
Address: Division of Administrative Services, Illinois  
Department of Agriculture, Agriculture Building, State  
Fairgrounds, Springfield, Illinois 62794-9281  
Telephone: (217) 785-0112

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE,  
AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

- Section
- 700.10 Scope of the Department of Agriculture
- 700.20 Division of Administrative Services
- 700.30 Division of Animal Industries
- 700.40 Division of Marketing
- 700.50 Division of Plant Industries and Consumer Services
- 700.60 Division of Fairs and Horse Racing
- 700.70 Division of Natural Resources
- 700.80 Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

- Section
- 700.100 Illinois Department of Agriculture Organization Chart

SUBPART C: REQUEST FOR INFORMATION

- Section
- 700.110 Information About Programs, Activities, Laws and Rules
- 700.120 Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED  
BY THE DEPARTMENT OF AGRICULTURE

- Section
- 700.130 Code Indicating Administrative Enforcement
- 700.140 Statutes Administered by the Department of Agriculture

SUBPART E: RULES AND REGULATIONS  
DEPARTMENT OF AGRICULTURE

- Section
- 700.150 Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE  
PROMULGATION OF RULES AND REGULATIONS

700.160 Section General, Emergency, and Peremptory Rules; Internal Rules (Agency's Organization, Description and Rule-making Procedures)

700.170 Public Participation and Comments  
700.180 Consideration of Rules by Advisory Boards  
700.190 Public Comment Period; Submission of Written Comments; Extending the Public Comment Period

700.200 Public Hearing Procedure  
700.210 Director's Decision  
700.220 Second Review Period; Final Disposition of Rulemaking Proposal  
700.230 Computing Time  
700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section 700.300 General Rulemaking Initiated by Department  
700.310 Rulemaking Requested by Advisory Board or Committee  
700.320 Emergency or Peremptory Rulemaking by Department

APPENDIX A. Marketing Program for Illinois Apples and Peaches  
APPENDIX B. Marketing Program for Illinois Corn and Corn Products  
APPENDIX C. Marketing Program for Illinois Eggs  
APPENDIX D. Marketing Program for Illinois Soybeans and Soybean Products

APPENDIX E. Fertilizer Research and Education Program  
AUTHORITY: Implementing and authorized by Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01); Appendix A implementing and authorized by the Apple and Peach Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 351 et seq.); Appendix B implementing and authorized by the Illinois Corn Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 701 et seq.); Appendix C implementing and authorized by the Market Development Act (Ill. Rev. Stat. 1987, ch. 5, pars. 503 et seq.); Appendix D implementing and authorized by the Soybean Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 551 et seq.); Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.6a, as amended by P.A. 86-232, effective August 15, 1989).

SOURCE: Rules and Regulations Relating to The Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981, codified at 5 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill.

Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p. 181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700, Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700, Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700, Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700, Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989.

NOTE: Capitalization denotes statutory language. CAPITALIZATION BENEFITS STATUTORY LANGUAGE.

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section 700.30 Division of Animal Industries

g) The Division of Animal Industries is separated into six bureaus:

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- 1) The Bureau of Animal Disease Laboratory--Centralia, primarily through the practicing veterinarian, provides assistance to livestock and companion animal pet owners experiencing problems relative to animal diseases. Toxicology services are also offered to the general public and local and state government entities. It also provides support for animal disease control and eradication programs and animal welfare programs various animal welfare and animal disease control and eradication programs.
- 2) The Bureau of Animal Disease Laboratory--Galesburg, primarily through the practicing veterinarian, provides assistance to livestock and companion animal pet owners experiencing problems relative to animal diseases. It also provides support for animal disease control and eradication programs and animal welfare programs various animal welfare and animal disease control and eradication programs.
- 3) The Bureau of Animal Health is responsible for programs related to the movement of livestock, and control or eradication of cattle scabies, swine and bovine brucellosis, bovine tuberculosis, equine infectious anemia, sheep scrapie, equine viral encephalitis, pullorum-typhoid, mycoplasma gallisepticum, Salmonella enteritidis, and mycoplasma synoviae in poultry, pseudorabies and a number of other animal diseases when occurrence of a disease warrants regulatory action. Services include registration of slaughter livestock buyers and brokers, and the licensing of bull lessors, feeder swine dealers, livestock dealers, and livestock auction markets.
- 4) The Bureau of Animal Welfare is responsible for regulating the retail companion animal industry including animal control and animal welfare. It also administers programs relative to the humane care of animals, dead animal disposal, refrigerated warehouses, the registration of brands, and the sale and use of horse meat. the administration of programs relating to the Humane Care for Animals Act, the Animal Welfare Act, the Animal Control Act, Illinois law relative to the slaughtering of horses and sale or use of horse meat, the Dead Animal Disposal Act, the Refrigerated Warehouses Act, and the registration of brands. Services include general supervision of the administration of county animal

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- control programs; licensing of pet shop operators, dog dealers, kennel operators, cattery operators, pounds, animal shelters; and licensing of inedible rendering plants; issuance of permits for trucks which transport dead animals and inedible products; and issuance of permits to remove inedible meat products.
- 5) The Bureau of Compliance and Enforcement is responsible for investigating establishments, premises, vehicles, and products subject to Illinois laws and rules pertaining to animal health, livestock disease control, and the slaughter, processing and identification of meat and poultry and meat and poultry products and initiating court or administrative action when When violations of Illinois laws or rules are documented, Bureau personnel initiate action through the court system or the administrative hearing process. On special assignment, Bureau personnel perform internal investigations relative to activities of department personnel.
  - 6) The Bureau of Meat and Poultry Inspection licenses and inspects all establishments throughout the State that slaughter and process slaughtering and processing meat or poultry and meat and poultry products for intrastate sale. The Bureau also inspects federally licensed establishments under the Talmadge-Aiken Act (Talmadge-Aiken) for interstate shipment of meat and poultry and meat and poultry products. The Division of Animal Industries Department operates a meats chemistry laboratory, located at the Animal Disease Laboratory-Centralia, which provides assistance for the program.
    - b) In addition to the six bureaus, the Division, in cooperation with the United States Department of Agriculture, operates the State-Federal Serology Laboratory in Springfield. The principal activity of this laboratory is the testing of blood and milk for specific disease antibodies.
    - c) A trichinosis control program is operated as a general division activity.
    - d) Addresses and phone numbers for the Division of Animal Industries:

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3) Region II, Bureau of Meat and Poultry Inspection, 2022 Sycamore Road, Suite C, Dekalb, 60115; Phone 815/756-8579.

4) Bureau of Animal Health and Region III, Bureau of Meat and Poultry Inspection, 2100 South Lake Storey Road, P.O. Box 2110X, Galesburg, 61402-2100; Phone 309/344-1925. Feeds and Steekyars, Bveseeek Exchange Bvddngt Rooms 211-212, Feefat 61602; Phone 309/671-3202+

5) Region IV, Bureau of Meat and Poultry Inspection, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/785-4753.

6) Region V, Bureau of Meat and Poultry Inspection, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6705.

7) Meats Chemistry Laboratory, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6701.

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

Section 700.40 Division of Marketing

a) The Division of Marketing is comprised of three bureaus.

1) The Bureau of Market Development and Information consists of two sections:

A) The Market News Section includes the Illinois Federal-State Livestock Market News Service, the Federal-State Grain Market News Service, and transportation assistance to market agricultural products. Daily, weekly and monthly "Market News" and transportation reports are issued.

B) The Market Service Section develops new marketing opportunities and conducts research aimed at increasing the profitability of agribusinesses. This section administers domestic market development and promotional programs (Illinois Food Expo and Product Evaluation Programs) which are designed to assist both buyers and sellers of Illinois agricultural products increase their

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1) Superintendent, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-4944.

2) Laboratory Manager, Bureau of Animal Disease Laboratory--Centralia, Division of Animal Industries, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6701.

3) Veterinarian Chief, Bureau of Animal Disease Laboratory--Galesburg, Division of Animal Industries, 2100 South Lake Storey Road #85 Wndtsh Btve, P.O. Box 2110X, Galesburg, 61402-2100; Phone 309/344-2451.

4) Veterinarian Chief, Bureau of Animal Health, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-4944.

5) Veterinarian Chief, Bureau of Animal Welfare, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6657.

6) Bureau Chief, Bureau of Compliance and Enforcement, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/785-4708.

7) Veterinarian Chief, Bureau of Meat and Poultry Inspection, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6684.

8) Supervisor, State-Federal Serology Laboratory, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19241, 2819, Springfield, 62794-9241 62706; Phone 217/782-4790.

e) Branch Offices:

1) Bureau of Animal Welfare, Room 20, 1010 Jorie Blvd., Oak Brook, 60521; Phone 708/990-8258 312/920-9256 .

2) Region I, Bureau of Meat and Poultry Inspection, 1010 Jorie Blvd., Room 20, Oak Brook, 60521; Phone 708/990-8259 312/920-9504.



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markets and enhance the image of Illinois agriculture. The Feeder Pig Grading Program is implemented by this Section under cooperative agreement with the United States Department of Agriculture.

- 2) The Bureau of Agricultural Statistics is a cooperative effort with the National Agricultural Statistics Service of the United States Department of Agriculture and is responsible for the collection and distribution of basic agricultural statistics for Illinois.
  - A) Weekly reports issued: Crop-weather reports (April through November).
  - B) Monthly reports on: Agricultural prices; field crops, yield per acre and production forecasts during the growing season; dairy production; egg production; livestock slaughtered; and apple and peach production forecasts during the growing season.
  - C) Quarterly releases on: Cattle on feed; grain stocks; hog inventory; and pig crop.
  - D) Annual or semi-annual reports issued cover: Cattle inventory and calf crop; commercial fertilizer sales; farm labor and wage rates; poultry inventory; manufactured dairy products; timber prices; prospective plantings (planted and acreage for harvest); and processing and major fresh market vegetable production.
  - E) "Annual Summary of Illinois Agricultural Statistics" includes all regularly published series of State estimates and estimates by counties, information on farm numbers, crop acreages, land utilization, livestock numbers, cash receipts for crops and livestock, and products by county.
  - F) Special releases are also issued from time to time. A list of reports published by this Section and their content is available on request.
- 3) The Bureau of International Marketing conducts promotional activities and programs within the state

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and in foreign markets to increase sales of Illinois food and agricultural products worldwide.

- A) It operates the Illinois Agricultural Trade Referral Service, a computerized system developed in conjunction with the Agricultural Marketing Service of the United States Department of Agriculture.
  - B) It publishes the annual "Illinois Food Guide" and "Illinois Agribusiness Guide." Agricultural Buyer's Guide" and monthly newsletter "Export Update" to client companies.
  - C) It carries on an active schedule of international marketing activities.
  - D) It provides international business consulting services to client companies.
- b) Addresses and phone numbers for the Division of Marketing:
    - 1) Superintendent, Division of Marketing, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6675.
    - 2) Bureau of Agricultural Statistics; Phone 217/492-4295.
    - 3) Bureau of Market Development and Information; Phone 217/782-6675.
    - 4) Bureau of International Marketing; Phone 217/782-6675.
  - c) Branch Offices:
    - 1) Chicago-Joliet Marketing Center, Box 157, Joliet, 60434; Phone 815/423-5064.
    - 2) 1)Market News Branch, Peoria Stockyards, Livestock Division, Foot of South Street, Peoria, 61602; Phone 309/671-3203.
    - 3) 2)Market News Branch, National Stockyards, National City, 62071; Phone 618/271-6658.

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## DEPARTMENT OF AGRICULTURE

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- 2) Bureau of Plant and Apiary Protection; Phone 217/785-2427.
  - 3) Bureau of Products Inspections and Standards; Phone 217/782-3817.
  - 4) Bureau of Warehouses; Phone 217/782-2895.
  - 5) Bureau of Laboratories; Phone 217/782-7655.
- c) Branch Office Offices:
- 1) Bureau of Plant and Apiary Protection, 522 South Jefferson Street, Paris, 61944; Phone 217/463-6270.
  - 2) Bureau of Plant and Apiary Protection, 1010 Jorie Blvd., Oak Brook, 60521; Phone 312/990-8256.

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

## Section 700.70 Division of Natural Resources

- a) The Division of Natural Resources is separated into two bureaus:
- 1) The Bureau of Farmland Protection is responsible for administering the State of Illinois' Farmland Protection Program and the Department's Mined Lands Reclamation Program. The Bureau analyzes proposed state capital development projects for compliance with the Farmland Preservation Act (Ill. Rev. Stat. 1987 ~~1985~~, ch. 5, par. 1301 et seq.) to protect Illinois' finite agricultural land base from unnecessary conversion and degradation. In accordance with the Act, the named ten nine ~~state development~~ agencies were required to adopt agricultural land preservation policies ~~policy statements~~ and are mandated to plan and implement their projects in a manner which will generate the least amount of adverse impacts upon Illinois' agricultural environment. Furthermore, the Bureau conducts public informational meetings to inform the general public of the importance of farmland protection and provides technical assistance to landowners and local units of government in the formation of farmland protection programs at the local level. Additionally, the Bureau works jointly with the Illinois Department of

## DEPARTMENT OF AGRICULTURE

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Mines and Minerals in the implementation of the State's Surface Mine Reclamation Program. Pursuant to an interagency agreement, the Bureau reviews mining permit applications and performs on-site mine inspections to monitor reclamation activities. The Bureau assists Mines and Minerals in developing soil restoration standards and formulated the Agricultural Lands Productivity Formula which is utilized to determine if in fact reclaimed prime farmland has been restored to pre-mining capabilities. ~~The in conjunction with the formula,~~ the Bureau samples field crops on reclaimed land to ascertain productivity levels for bond release.

- 2) The Bureau of Soil Conservation has responsibility for all State soil erosion control program activities and provides educational, technical and financial assistance to the 98 Illinois Soil and Water Conservation Districts. The major activities for the State's soil erosion programs involves: coordinating a State Erosion and Sediment Control Program, administering a soil conservation cost-share program, administering grants to Districts for office operations and staff salaries, providing provide public presentations on benefits of soil conservation, assisting private and public organizations and agencies in the development of soil erosion and water quality programs, working with the United States Soil Conservation Service and various state and federal agencies in developing and implementing effective land treatment programs to protect existing soil and water resources, and representing the State in all matters arising from the provisions of the Soil and Water Conservation Districts Act.
  - A) Providing assistance to the 98 Illinois Soil and Water Conservation Districts involves: assisting the district directors in carrying out their duties and programs; providing guidance to districts in the management of district personnel; evaluating districts' proposed budgets and special project proposals; providing training sessions and exchanges of ideas between districts; establishing rules and procedures for district referendums and hearings; supervising district director elections; and considering, reviewing, and expressing opinions on any rules, regu-

lations, ordinances, or other actions of district directors.

B) In addition to soil and water conservation programs, the Bureau administers the Water Use Act of 1983 and the modern soil survey program. The Water Use Act of 1983 authorizes the Department to better manage and, in some cases, restrict groundwater withdrawals. The modern soil survey program is a state, federal and local cost-share program for mapping of all soils of the state by county. which is an Act for the conservation and better management of groundwater.

b) Address and phone number of the Division of Natural Resources:

Superintendent, Division of Natural Resources, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6297.

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

Section 700.80 Statutorily Established Advisory Boards and Committees

a) The following boards are statutorily established in the Department of Agriculture:

1) Board of Agricultural Advisors is established and its membership stated in Section 6.01 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 #985, ch. 127, par. 6.01) for the purpose of advising the Department on agricultural-related matters.

2) Advisory Board of Livestock Commissioners is established and its membership and duties listed in Section 6.01 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 #985, ch. 127, par. 6.01).

3) Agricultural Export Advisory Committee, in cooperation with the Department of Commerce and Community Affairs, is established in Section 6.01a of The Civil Administrative Code of Illinois (Ill. Rev.

Stat. 1987 #985, ch. 127, par. 6.01a). This board promotes the exporting of agricultural products.

4) Soil and Water Conservation Districts Advisory Board is established and its membership stated in Section 4 of the Soil and Water Conservation Districts Act (Ill. Rev. Stat. 1987 #985, ch. 5, par. 109). This board advises the Department in establishing policy for administering the Act.

5) Interagency Committee on Pesticides is established, its duties enumerated, and its membership stated in Section 19 of the Illinois Pesticide Act of 1979 (Ill. Rev. Stat. 1987 #985, ch. 5, par. 819).

6) The Swine Disease Control Committee is established and its membership stated in Section 2 of "An Act in relation to research upon the cause, transmission, treatment and control of transmissible gastroenteritis and other diseases of swine and livestock and make an appropriation therefor" (Ill. Rev. Stat. 1987 #985, ch. 8, par. 204). The purpose of this committee is to keep the industry informed of livestock research projects, cooperative programs with the U. S. Government and to give the Department advice on problems in the livestock disease area.

7) Cattle Disease Research Committee is established and its membership stated in Section 2 of "An Act in relation to research upon the cause, transmission, treatment and control of transmissible gastroenteritis and other diseases of swine and livestock and make an appropriation therefor" (Ill. Rev. Stat. 1987 #985, ch. 8, par. 204). The purpose of this committee is to keep the industry informed of livestock research projects, cooperative programs with the U. S. Government and to give the Department advice on problems in the livestock disease area.

8) Illinois Thoroughbred Breeders Fund Advisory Board is established and its membership listed in Section 30 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987 #985, ch. 8, par. 37-30). This board offers advice and assistance to the Department in the administration of the thoroughbred horse breeding and racing program.

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- 9) Illinois Standardbred Breeders Fund Advisory Board is established and its membership listed in Section 31 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987 1985, ch. 8, par. 37-31). This board offers advice and assistance to the Department in the administration of the standardbred horse breeding and racing program.
- 10) Board of State Fair Advisors is established and its membership listed in Section 8 of the State Fair Act (Ill. Rev. Stat. 1987 1985, ch. 127, par. 1708). The purpose of this board is to advise the Department on matters concerning the State Fairs.
- 11) The Aquaculture Industry Advisory Committee is established and its membership and duties are listed in Section 6 of The Aquaculture Development Act (Ill. Rev. Stat. 1987, ch. 5, par. 2306 P.A. 85-0856, effective January 1, 1988).
- 12) The Pseudorabies Advisory Committee is established and its membership is listed in Section 5.1 of the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 805.1 P.A. 85-0165 and P.A. 85-0171, effective January 1, 1988). This committee will advise the Director on the pseudorabies control program.
- 13) A Technical Committee (Pseudorabies) is established and its membership and duties are listed in Section 5.1 of the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 805.1 P.A. 85-0165 and P.A. 85-0171, effective January 1, 1988).
- 14) A Pseudorabies Depopulation Board is established and its membership and duties are listed in Section 5.1 of the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 805.1 P.A. 85-0165 and P.A. 85-0171, effective January 1, 1988).
- 15) A Fertilizer Research and Education Council is established and its membership and duties are listed in Section 6a of the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.6a, as amended by P.A. 86-232, effective August 15, 1989).

- b) Persons desiring to contact an advisory board or committee may do so by writing to the board or committee, c/o

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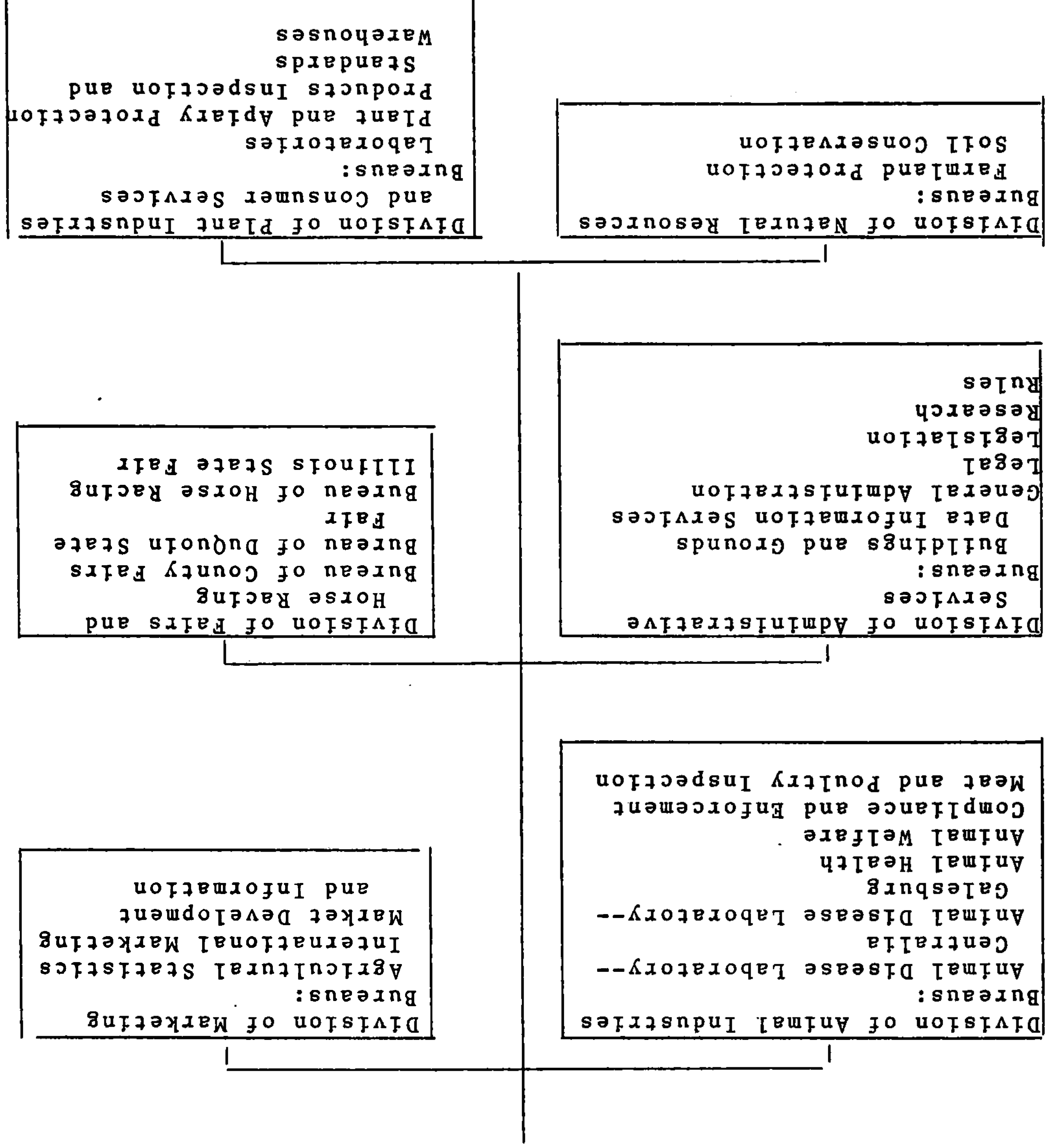
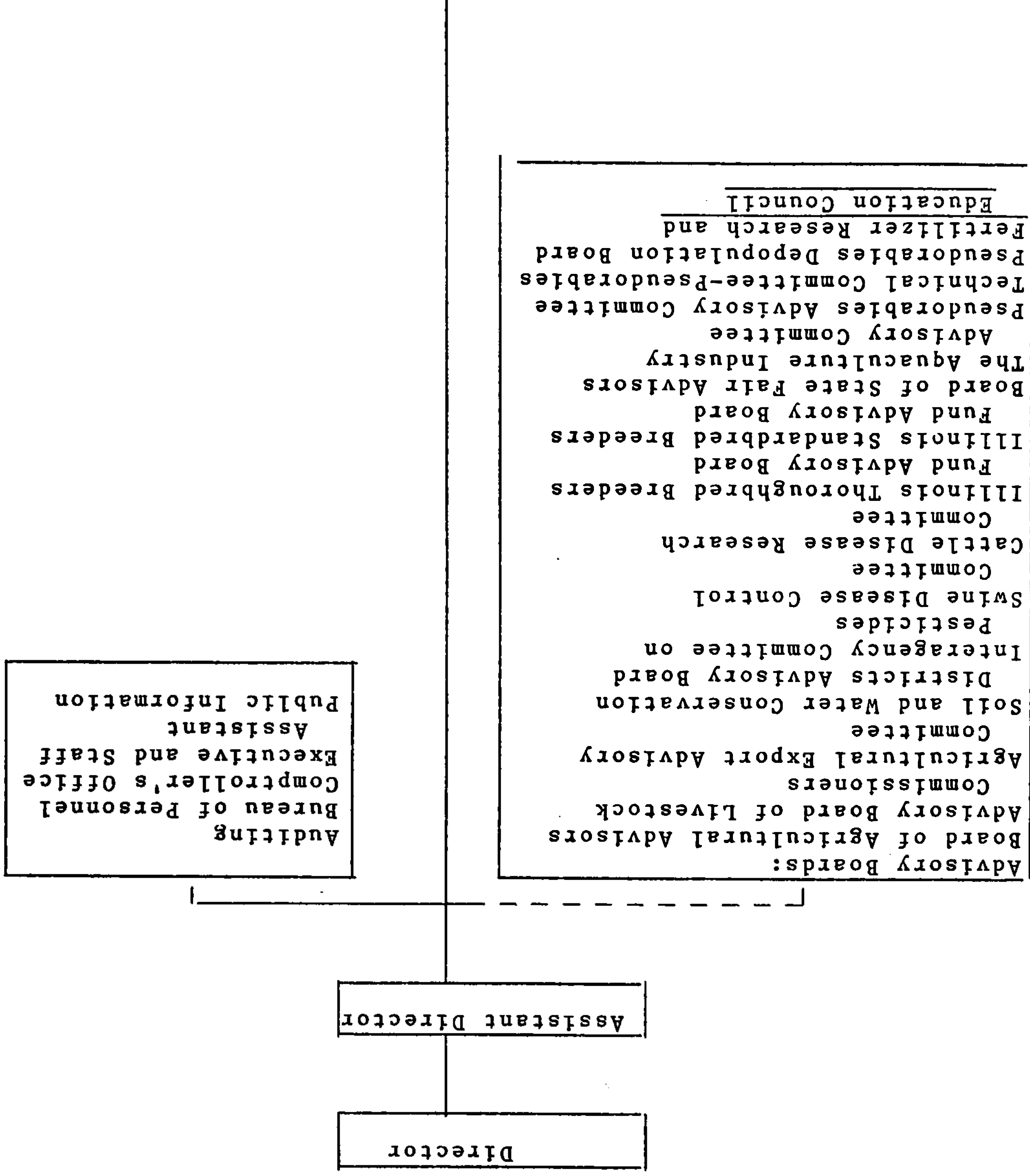
## NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281.

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

## SUBPART B: ORGANIZATIONAL CHART

## Section 700.100 ILLINOIS DEPARTMENT OF AGRICULTURE ORGANIZATION CHART



(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

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SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY  
THE DEPARTMENT OF AGRICULTURE

Section 700.140 Statutes Administered by the Department of Agriculture

Statutes administered by the Department of Agriculture are as follows:

Statute	Ill. Rev. Stat. Chapter--Paragraph (et seq.)	Admin-istered By
<u>AN ACT concerning use of State funds to strengthen the production agriculture programs in Illinois</u>	<u>P.A. 86-253</u>	<u>AS</u>
Agricultural Cooperative Act	32 440	PICS
Agricultural Fairs Act	85 651	FHR
Agricultural Foreign Investment Disclosure Act	5 601	MKT
Agricultural Statistics Act	5 90b	MKT
Animal Control Act	8 351	AI
Animal Welfare Act	8 301	AI
Animals Intended for Food Act	8 106	AI
Apple and Peach Marketing Act	5 351	MKT
Aquaculture Development Act	5 2301	MKT
Bees and Apiary Act	8 124	PICS
Bovine Brucellosis Eradication Act	8 134	AI
Bovine Tuberculosis Eradication Act	8 87	AI
Bull Lessors Act	8 251	AI
Civil Administrative Code of Illinois, The (Creation of the Department)	127 1	
(Powers of the Department)	3	
(Trust Funds)	40	
(Centennial Farm Sign Program)	40.7	AS
Commission Merchants Regulation Act	111 101	PICS
Control of Bird Pests, Rodents and Predatory Animals Act	8 231	AI
Dairy Statistics Act	5 901	MKT
Egg Market Development Act	5 501	MKT
Farmland Preservation Act	5 1301	NR
Feeding of Garbage to Swine Act	8 211	AI
Food, Drug and Cosmetic Act (as it pertains to the Department of Agriculture)	56 1/2 501	PICS AND AI
Freedom of Information Act, The	116 201	AS

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Gastroenteritis and Other Diseases of Swine and Livestock Act	8	203	AI
<u>Genetically Engineered Organisms (notification and review of the release into the environment)</u>	<u>P.A. 86-306</u>		<u>PICS</u>
Grain Dealers Act	111	301	PICS
Hatcheries, Poultry Flocks and the Produce Thereof Law	8	131	AI
Horse Meat Act	56 1/2	240	AI
Humane Care for Animals Act	8	701	AI
Humane Slaughter of Livestock Act	8	229.51	AI
Illinois Brand Act	8	33.61	AI
Illinois Conservation Enhancement Act	(unknown)	2401-1	NR
Illinois Commercial Feed Act of 1961	56 1/2	66.1	PICS
Illinois Corn Marketing Act	5	701	MKT
Illinois Dead Animal Disposal Act	8	149.1	AI
Illinois Diseased Animals Act	8	168	AI
Illinois Egg and Egg Products Act	56 1/2	55-1	PICS
<u>Illinois Equine Infectious Anemia Control Act</u>	<u>P.A. 86-223</u>		<u>AI</u>
Illinois Feeder Swine Dealer Licensing Act	111	201	AI
Illinois Fertilizer Act of 1961	5	55.1	PICS
Illinois Grain Insurance Act, The	114	701	PICS
<u>Illinois Grain Quality Program Act of 1988</u>	<u>5</u>	<u>2451</u>	<u>MKT</u>
Illinois Horse Racing Act of 1975	8	37-1	FHR
Illinois Noxious Weed Law	5	951	PICS
Illinois Pesticide Act of 1979	5	801	PICS
Illinois Pseudorabies Control Act	8	801	AI
Illinois Refrigerated Warehouses Act	56 1/2	79.1	AI
Illinois Seed Law	5	401	PICS
Illinois Swine Brucellosis Eradication Act	8	148f	AI
Illinois Swine Disease Control and Eradication Act	8	501	AI
Illinois Trichinosis Control Act	5	1801	AI
Insect Pest and Plant Disease Act	5	61	PICS
Inspection and Standardization of Farm Products Act	5	92	PICS, MKT and AI
Laboratories Act	8	105.11	AI

Lawn Care Products Application  
and Notice Act  
Livestock Auction Markets Law  
Livestock Dealers Licensing Act  
Marketing Fresh Fruits and  
Vegetables Act  
Meat and Poultry Inspection Act  
Meat and Poultry Standards Act  
Ownership of Agricultural Land by  
Certain Corporations, Partnerships  
and Trusts  
Personal Property Warehouse Act  
Pest Control Compact  
Public Grain Warehouse and  
Warehouse Receipts Act  
Rural Rehabilitation Act  
Sale of Meat and Meat Products  
Act (Kosher Meat Act)  
Sanitary Inspection Act (insofar  
as it relates to establishments  
defined in Para. (e) of Section 2  
of "The Meat and Poultry  
Inspection Act")  
Slaughter Livestock Buyer Act  
Soil and Water Conservation  
Districts Act  
Soil Conservation and Domestic  
Allotment Act  
Soybean Marketing Programs Law  
State Fair Act  
Water Use Act of 1983  
Weights and Measures Act

Section 700 APPENDIX B Fertilizer Research and Education Program  
ARTICLE I  
PURPOSE

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

PICS	86-358	121 1/2	208	AI	Livestock Auction Markets Law
PICS	401	111	401	AI	Livestock Dealers Licensing Act
PICS	139	5	139	PICS	Vegetables Act
PICS	301	56 1/2	301	AI	Meat and Poultry Inspection Act
PICS	1701	5	1701	PICS	Ownership of Agricultural Land by Certain Corporations, Partnerships and Trusts
PICS	2101	5	2101	MKT	Personal Property Warehouse Act
PICS	119	111 2/3	119	PICS	Pest Control Compact
PICS	281	5	281	PICS	Public Grain Warehouse and Warehouse Receipts Act
PICS	214.1	114	214.1	PICS	Rural Rehabilitation Act
AS	42a3	127	42a3	AS	Sale of Meat and Meat Products Act (Kosher Meat Act)
AI	288.1	56 1/2	288.1	AI	Sanitary Inspection Act (insofar as it relates to establishments defined in Para. (e) of Section 2 of "The Meat and Poultry Inspection Act")
AI	67	56 1/2	67	AI	Slaughter Livestock Buyer Act
AI	501	111	501	AI	Soil and Water Conservation Districts Act
NR	106	5	106	NR	Soil Conservation and Domestic Allotment Act
NR	138a	5	138a	NR	Soybean Marketing Programs Law
MKT	551	5	551	MKT	State Fair Act
FHR	1701	127	1701	FHR	Water Use Act of 1983
NR	1601	5	1601	NR	Weights and Measures Act
PICS	101	147	101	PICS	

To evaluate the agronomics of fertilizers when best management practices are used, which may include, but are not limited to, the relationship of fertilizer use to soil management, soil fertility, plant nutrition problems, economic considerations, and environment considerations.  
To develop effective application techniques for fertilizer, which may include the development of equipment and fertilizer distribution systems.

Section I. Establishment of Council.

(Source: Amended at 14 Ill. Reg. 584, effective December 27, 1989)

PICS	86-358	121 1/2	208	AI	Livestock Auction Markets Law
PICS	401	111	401	AI	Livestock Dealers Licensing Act
PICS	139	5	139	PICS	Vegetables Act
PICS	301	56 1/2	301	AI	Meat and Poultry Inspection Act
PICS	1701	5	1701	PICS	Ownership of Agricultural Land by Certain Corporations, Partnerships and Trusts
PICS	2101	5	2101	MKT	Personal Property Warehouse Act
PICS	119	111 2/3	119	PICS	Pest Control Compact
PICS	281	5	281	PICS	Public Grain Warehouse and Warehouse Receipts Act
PICS	214.1	114	214.1	PICS	Rural Rehabilitation Act
AS	42a3	127	42a3	AS	Sale of Meat and Meat Products Act (Kosher Meat Act)
AI	288.1	56 1/2	288.1	AI	Sanitary Inspection Act (insofar as it relates to establishments defined in Para. (e) of Section 2 of "The Meat and Poultry Inspection Act")
AI	67	56 1/2	67	AI	Slaughter Livestock Buyer Act
AI	501	111	501	AI	Soil and Water Conservation Districts Act
NR	106	5	106	NR	Soil Conservation and Domestic Allotment Act
NR	138a	5	138a	NR	Soybean Marketing Programs Law
MKT	551	5	551	MKT	State Fair Act
FHR	1701	127	1701	FHR	Water Use Act of 1983
NR	1601	5	1601	NR	Weights and Measures Act
PICS	101	147	101	PICS	

To disseminate the results of such research programs.  
To promote the recommended and effective usage of fertilizer materials through educational programs and other designated activities.

Section II  
FERTILIZER RESEARCH AND EDUCATION COUNCIL

A Fertilizer Research and Education Council is established under the authority of Section 6a of the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.6a, as amended by P.A. 86-232, effective August 15, 1989).

THIS COUNCIL SHALL BE COMPRISED OF 3 PERSONS REPRESENTING THE FERTILIZER INDUSTRY, 3 PERSONS REPRESENTING CROP PRODUCTION, AND 2 PERSONS REPRESENTING THE PUBLIC AT LARGE who shall be appointed by the Director of the Department of Agriculture (director) (Section 6a of the Illinois Fertilizer Act of 1961).

Vacancies occurring on the council during an unexpired term of office shall be filled by the director with an appointee who is from the respective field affected by



DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

the vacancy. The appointee shall serve as a representative on the council for the unexpired term. Should an appointed council member no longer represent the respective field from which such member was appointed, a vacancy shall be deemed to exist.

Section 2. Term of Office.

- a) The term of office for a council member shall be three years, except for the initial council. The term of office shall terminate on September 30. No person shall serve as a council member for more than two consecutive terms of office.
- b) In order to have staggered terms of office to the council, the initial terms of office shall expire on September 30 in the years 1993, 1994, and 1995.
- c) The term of office for each initial council member shall be determined by a drawing.

Section 3. Meetings of Council.

- a) The council shall meet at least once annually.
- b) Each appointed council member and the director are entitled to one vote. An appointed council member cannot vote by proxy or be represented by another person.
- c) Any action taken by the council shall require a majority vote of the council members, provided a quorum is present.
- d) If an appointed council member misses three consecutive meetings of the council, the director shall declare the office vacant and the procedure for filling vacancies shall be initiated.

Section 4. Council Compensation.

The appointed council members are entitled to actual and necessary travel expenses at the reimbursement rate approved by the State's Travel Control Board while attending meetings of the council or while engaged in the performance of official responsibilities as determined by the council. Council members are not entitled to any salary.

Section 5. Duties of the Chairman.DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

THE DIRECTOR OR HIS REPRESENTATIVE FROM THE DEPARTMENT SHALL ACT AS CHAIRMAN OF THE COUNCIL (Section 6a of the Illinois Fertilizer Act of 1961). The duties of the chairman shall be to:

- a) Preside at all meetings of the council.
- b) Call meetings of the council when deemed necessary or when requested by three or more appointed members of the council.
- c) Have general supervision of the affairs of the council and perform all acts and duties usually incidental to and required of a presiding officer.

Section 6. Powers and Duties of the Council.

The responsibilities of the council are to:

- a) SOLICIT RESEARCH AND EDUCATION PROJECTS CONSISTENT WITH THE SCOPE OF THE ESTABLISHED FERTILIZER RESEARCH AND EDUCATION PROGRAM (Section 6a of the Illinois Fertilizer Act of 1961);
- b) REVIEW AND ARRANGE FOR PEER REVIEW OF ALL RESEARCH PROPOSALS FOR SCIENTIFIC MERIT AND METHODS, AND REVIEW OR ARRANGE FOR THE REVIEW OF ALL PROPOSALS FOR THEIR MERIT, OBJECTIVE, METHODS AND PROCEDURES (Section 6a of the Illinois Fertilizer Act of 1961); any person performing peer review shall not be associated with the person or organization submitting the project;
- c) EVALUATE THE PROPOSED BUDGET FOR THE PROJECTS AND MAKE RECOMMENDATIONS AS NECESSARY (Section 6a of the Illinois Fertilizer Act of 1961);
- d) MONITOR THE PROGRESS OF PROJECTS AND REPORT AT LEAST ONCE EACH 6 MONTHS ON EACH PROJECT'S ACCOMPLISHMENTS TO THE DIRECTOR AND BOARD OF AGRICULTURAL ADVISORS (Section 6a of the Illinois Fertilizer Act of 1961);
- e) RECOMMEND PROJECTS TO BE APPROVED AND FUNDED AT LEAST ANNUALLY INCLUDING RECOMMENDATIONS ON CONTINUATION OR CANCELLATION OF AUTHORIZED AND ONGOING PROJECTS (Section 6a of the Illinois Fertilizer Act of 1961);
- f) recommend to the Board of Agricultural Advisors and to the director that the Department of Agriculture contract with or make grants to an organization, agency or indi-

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DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

- 2) Name(s) of project leader(s) and of any person or entity that will be cooperating, if applicable; biographical information on the project leader(s) shall be included;
  - 3) Specific and concise objectives for the project;
  - 4) Justification statement on why the work is needed, related projects that have been conducted or are now being conducted, what information will be contributed, and impact of the project;
  - 5) Itemized cost of the project;
  - 6) Dates of initiation and completion of the project, timetable with targeted goals, and any deadlines that may be established.
- b) Any person who has an education and/or information dissemination project funded by the council shall submit to the chairman a quarterly report on the project's findings that have occurred during the quarter for which the report covers and a final report at the project's conclusion covering the total findings and conclusions of the project.

Section 3. Copyright, royalty, and patent.

The contract with the person whose project was approved shall address the issues of copyright, royalty payments and patents.

ARTICLE IV  
PROCEDURES FOR PROJECT APPROVAL

- a) The council shall solicit projects from time to time. Within six months of the date of receipt of the project application, the council shall advise the person who submitted the project whether the project has been approved, rejected, is pending or needs additional information.
- b) When the council approves a new project or makes a recommendation for continuation or cancellation of ongoing projects, the recommendation and project shall be delivered to the director on the date it is approved. In deciding whether to approve a project, the council shall consider its objectives and goals, availability of funding, and the results of other research. Because of

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

- the possibility of insufficient funding, the council shall rank projects.
- c) The director shall call a meeting of the Board of Agricultural Advisors within 30 days of the date of delivery of the council's recommendation.
- d) One or more members of the council as designated by the council shall present the proposed project or recommendation for continuation or cancellation to the Board of Agricultural Advisors.
- e) THE BOARD OF AGRICULTURAL ADVISORS SHALL REVIEW THE PROPOSED PROJECTS AND RECOMMENDATIONS OF THE FERTILIZER RESEARCH AND EDUCATION COUNCIL AND RECOMMEND TO THE DIRECTOR WHAT PROJECTS SHALL BE APPROVED AND THEIR PRIORITY. THE BOARD OF AGRICULTURAL ADVISORS SHALL RECOMMEND TO THE DIRECTOR THE CONTINUATION OR CANCELLATION OF SUCH PROJECTS (Section 6a of the Illinois Fertilizer Act of 1961). Decisions of the Board of Agricultural Advisors on the recommendations of the council shall be forwarded to the director and to the council within ten working days.
- f) The director shall consider the recommendations of the council and the Board of Agricultural Advisors in determining whether to approve or reject a project or a recommendation to continue or cancel a project. The director's final decision on each recommendation shall be made within ten working days of the date of the Board of Agricultural Advisor's recommendation.

(Source: Added at 14 Ill. Reg. 584, effective December 27, 1989)

NOTICE OF ADOPTED AMENDMENTS

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending to this part? Yes

Section Numbers	Proposed Action	111. Reg. Citation
310.230	Amended	13 111. Reg. 17521 (November 17, 1989)
310.280	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table D	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table E	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table F	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table J	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table O	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table P	Amended	13 111. Reg. 17521 (November 17, 1989)
310. App. A, Table S	Amended	13 111. Reg. 17521 (November 17, 1989)
310. Appendix B	Amended	13 111. Reg. 17521 (November 17, 1989)

15) Summary and Purpose of Amendment:

The amendments to Section 310.290, Out-of-State or Foreign Service Rate, reflect the deletion of the abolished Revenue Deputy Regional Administrator and Revenue Regional Administrator titles and these titles replaced with the titles of Revenue Assistant Audit Field Manager and Revenue Field Audit Manager, respectively.

The Illinois Department of Revenue's positions located in the State of California were upgraded to receive the 30% differential as currently paid to positions in the State of New Jersey, rather than the 15% differential which applies to all other out-of-state Revenue positions.

Also, the maximum salary of the Revenue Auditor III was upgraded (to \$4,686) to reflect a 3.5% increase over the Fiscal Year 1989 rate, and the minimum salary for the Revenue Audit Supervisor in the State of New Jersey was increased \$1.00 to be consistent with the other states. The State of Minnesota was included with regards to location for the Office Associate and Office Coordinator titles.

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Pay Plan

2) The Code Citation: 80 111. Adm. Code 310

3) Section Numbers: Adopted Action:

4) Statutory Authority: 111. Rev. Stat. 1987, ch. 127, par. 63b108a(2)  
5) Effective Date of Amendment: January 2, 1990  
6) Does this rulemaking contain an automatic repeal date? Yes X No  
If "yes", please specify date:  
7) Does this amendment contain incorporation by reference? No  
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

These amendments do not contain any incorporations by reference.

8) Date filed in Agency's Principal Office: January 2, 1990

9) Notice of Proposal Published in Illinois Register: September 29, 1989, Issue #39, 13 111. Reg. 15141

10) Has JCAR issued a Statement of Objections to this rule? No  
If answer is "yes", please complete the following:

A) Statement of Objection: \_\_\_\_\_, 111. Reg. \_\_\_\_\_ (Issue Date)

B) Agency Response: \_\_\_\_\_, 111. Reg. \_\_\_\_\_ (Issue Date)

C) Date Agency Response Submitted for Approval to JCAR?

11) Difference between proposal and final version:

The Joint Committee on Administrative Rules made reference to the need to make corrections in the Table of Contents Source Notes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Name: Mr. Michael Murphy  
Address: Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706

Telephone: (217) 782-5601

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1989
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Education Rate
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range	
	Effective	Fiscal Year 1990
Account Technician I (GA, OH, TX) (CA, NJ)	\$1664	-2096 1881 -2370
Accounting and Fiscal Administration Career Trainee (GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1889	-2417 2136 -2733
Foreign Service Economic Development Executive I	2521	-4365
Foreign Service Economic Development Executive II	3268	-5740
Foreign Service Economic Development Representative	2170	-3630
Office Assistant (Foreign Service)	1498	-2057
Office Associate (GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1603	-2010 1812 -2272
Office Coordinator (GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	1664	-2096 1881 -2370
Revenue Audit Supervisor (GA, OH, TX) (CA, NJ)	2869	-5057 2868 -5716 2869
Revenue Auditor I (GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2267	-2966 2562 -3353
Revenue Auditor II (GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (CA, NJ)	2507	-3298 2834 -3728

Effective Fiscal Year 1990  
Range

- 1) The Heading of the Part: Joint Rules of the Illinois Commerce Commission and the Department of Energy and Natural Resources: Residential Conservation Plan  
Code Citation: 83 Ill. Adm. Code 900  
Section numbers:  
Adopted Action:
- 2)
- 3)

Revenue Auditor III  
(GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)  
(CA, NJ)

Revenue-Deputy-Regional-Administrator  
(GA, OH, TX)  
(NJ)

Revenue-Regional-Administrator  
(NJ)

Revenue Assistant Audit Field Manager  
(OH, TX)  
(CA, NJ)

Revenue Field Audit Manager  
(NJ)

Tax Examiner  
(GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)  
(CA, NJ)

Tax Examiner Trainee  
(GA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)  
(CA, NJ)

\$2793 -3708  
3158 -4528  
4686

3044-5411  
3044-6117  
3250--6544

3044 -5411  
3441 -6117  
3674 -6544

1664 -2096  
1881 -2370  
1498 -2057  
1694 -2093

(Source: Amended at 14 Ill. Reg. 615, effective January 2, 1990.)

- 4) Statutory Authority: Implementing Temporary Programs (10 CFR 456.207) and implementing and authorized by Section 3(a)(1) of "AN ACT in relation to natural resources and research, data collection and environmental studies" (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 7403(a)(1)) and Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).
- 5) Effective Date of Repeal: January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this repeal contain incorporations by reference? Yes, approval form not necessary.
- 8) Date filed in Agency's Principal Office: December 13, 1989

900.5 Repealed  
900.10 Repealed  
900.20 Repealed  
900.30 Repealed  
900.40 Repealed  
900.50 Repealed  
900.60 Repealed  
900.70 Repealed  
900.80 Repealed  
900.90 Repealed  
900.100 Repealed  
900.110 Repealed  
900.120 Repealed  
900.130 Repealed  
900.140 Repealed  
900.150 Repealed  
900.160 Repealed  
900.170 Repealed





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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

"Economic Losses" means an increase in the electric utility's revenue requirements as a result of electric energy purchases from a qualified solid waste energy facility that is not recovered either from tax credits pursuant to this Part or from ratepayers.

"Electric Energy" refers to both the energy and capacity purchased by an electric utility from a qualified solid waste energy facility.

"Fuel Loading" means the total fuel consumed at a qualified solid waste energy facility during the reported or projected period in terms of million Btus.

"Qualified Solid Waste Energy Facility" means a facility that meets the criteria set forth in 18 CFR 292 in effect on January 1, 1989 (hereinafter referred to as 18 CFR 292), and the Local Solid Waste Disposal Act (Ill. Rev. Stat. 1987, ch. 85, par. 5901 et seq.), hereinafter referred to as the "Local Solid Waste Disposal Act," or an electric generating facility which uses methane gas generated from landfills and meets such requirements of 18 CFR 292. No incorporation of 18 CFR 292 in this Part includes any later amendment or edition.

"Qualifying Facility" means a cogeneration facility or a small power production facility which meets the criteria for qualification set forth in 18 CFR 292, Subpart B.

"Solid Waste" means "waste," as defined in Section 3.53 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1003.53), which is in solid or semi-solid form, provided that "solid waste" does not include that portion of material that is intended or collected to be recycled.

"Solid Waste Throughput Volume" means the yearly design capacity of a qualified solid waste energy facility when only solid waste is consumed as fuel.

## Section 445.30 Availability of Benefits

- a) The benefits of this Part shall apply to any qualified solid waste energy facility. The owner(s) or operator of such a facility shall petition the Commission for a determination that the facility meets the requirements

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and criteria specified in the Act and this Part. These requirements include complying with the procedures for obtaining qualifying status set forth in 18 CFR 292 and with the Local Solid Waste Disposal Act.

- b) In demonstrating compliance with 18 CFR 292, the owner(s) or operator of a facility must file with the Commission a copy of:
  - 1) the notice filed with the Federal Energy Regulatory Commission pursuant to 18 CFR 292.207, or
  - 2) certification as a qualifying facility issued by the Federal Energy Regulatory Commission or a successor agency.
- c) In demonstrating compliance with the Local Solid Waste Disposal Act, the owner(s) or operator must file with the Commission evidence that a solid waste management plan or Solid Waste Energy Facility Plan provided for in Section 3.1 of the Local Solid Waste Disposal Act has been filed with and approved by the Illinois Environmental Protection Agency.

## Section 445.40 Terms and Conditions of Service

- a) The electric utility shall negotiate terms and conditions of service with the owner(s) or developer(s) of a qualified solid waste energy facility in accordance with the utility's standard terms and conditions of service for small power producers compiled pursuant to 83 Ill. Adm. Code 430.40.
- b) Electric utilities shall be required to enter into long-term contracts to purchase electric energy from qualified solid waste energy facilities located in the electric utility's service area for a period beginning on the date the qualified solid waste energy facility begins generating electric energy, and continuing for a minimum of twenty years thereafter, or ten years in the case of qualified solid waste energy facilities fueled by methane gas generated from landfills.

a) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually report to the commission that the facility has met the requirements of the Illinois Environmental Protection Agency pursuant to the Local Solid Waste Disposal Act.

b) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the commission that solid waste is expected to comprise, at the minimum, 95 percent of the annual fuel loading for the following twelve months. In December of each year, the owner(s) or operator shall report the actual fuel loading for the twelve month period ending on November 30th of the same year. The use of natural gas, oil, or other fuels in connection with ignition, start-up, testing, flame stabilization and control, maintenance of minimum combustion temperatures, and during unanticipated outages of the solid waste sources shall not be included in any calculation of annual fuel loading.

c) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the commission that the solid waste throughput volume for the following twelve months shall, at a minimum, be 66 percent of the yearly design capacity of the facility. In December of each year, the owner(s) or operator shall report the throughput volume for the twelve month period ending on November 30th of the same year.

d) The owner(s) or operator of a qualified solid waste energy facility shall notify the Commission and all electric utilities to which the facility sells electric energy within 30 days of the date of a decision by a court or agency of competent jurisdiction in which the facility loses its status under the Act or this Part. The notification shall state that the facility no longer qualifies, the reasons therefor, and the anticipated date when the facility shall again qualify under the Act or this Part.

1) Each electric utility shall report to the Commission in December of each year an estimate of the amounts and types of fuels displaced pursuant to Section 8-403.1(g) of the Act. Each utility also shall report an estimate of additional costs it incurred to alter its economic dispatch procedures pursuant to Section 8-403.1(g) of the Act. These costs may include added fuel costs caused by deviating from economic dispatch, computer software costs to alter plant dispatching, monitoring and control costs, as well as any other costs incurred to comply with Section 8-403.1(g) of the Act.

2) In the event that an electric utility is constrained from displacement of fuels by existing technical, contractual or other circumstances, the utility shall report such circumstances and show why displacement is not practicable. The Commission will weigh the practicability of displacement against the general requirement of displacement pursuant to Section 8-403.1(g) of the Act. In case of a successful showing of cause for exemption from displacement, the utility need not comply with the reporting requirements of subsection (e).

f) Each electric utility shall report to the Commission in December of each year any economic loss it incurred during the twelve month period ending on November 30th of the same year in complying with the requirements of Section 8-403.1 of the Act and this Part.

g) Within 60 days of the signing of a contract with a qualified solid waste energy facility, each electric utility shall report to the Commission the amounts of electric energy contracted for each year of the contract period.

h) Each electric utility shall list separately in its monthly reports of tax credits to the Commission and the Illinois Department of Revenue:

## ILLINOIS COMMERCE COMMISSION

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- 1) any reasonable and necessary costs incurred in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1 of the Act, and
  - 2) its avoided total costs from electric energy purchases from qualified solid waste energy facilities and a breakdown of these costs into energy and capacity as defined by 83 Ill. Adm. Code 430.30.
- i) Each utility shall provide to all qualified solid waste energy facilities from which the utility purchases electric energy the information submitted to the Commission under subsections (e), (f), (g), and (h), and a detailed breakdown of costs described in Section 8-403.1(d)(ii) of the Act assigned to the qualified solid waste energy facility specified. A facility may file a petition with the Commission under Section 445.80 contesting the validity of the information.
  - j) In the event that a qualified solid waste facility fails to comply with the certification requirements of subsections (a), (b) or (c), or in the event the facility ceases to be in compliance with the qualifying requirements of this Part or Section 8-403.1 of the Act, provided that the owner(s) or operator of the facility makes efforts to remedy noncompliance, the facility shall have 90 days in which to cure its non-compliance. If at the end of the 90-day cure period the facility has failed to comply with the said requirements, the purchase rate provided in Section 445.60(b) shall be suspended until such time as the facility certifies that it has complied with this Part, which in the case of subsection (a) shall be at any time, and in the case of subsection (b) or (c) shall be for the latest 12 months of facility operation. If the facility continues to maintain its status as a qualifying facility, it shall receive during the suspension period the rate that the utility would have paid for purchases of electric energy from a qualifying facility pursuant to 83 Ill. Adm. Code 430.80.

## Section 445.60 Purchase Rates

- a) Within 60 days of the effective date of this Part, each electric utility shall file and at all times thereafter have on file with the Commission tariffs or riders

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- applicable to purchases of electric energy generated from qualified solid waste energy facilities.
- b) Each tariff or rider shall at a minimum include:
    - 1) the billing period;
    - 2) a reconciliation procedure; and
    - 3) the methodology for determining purchase rates, including the methodology for determining the rate at which free service would have been billed had it not been provided free of charge. The purchase rate contained in tariffs and riders shall be equal to the average price of electricity per kilowatt-hour (excluding amounts paid for street lighting and pumping) paid for by a unit or units of local government to the electric utility during the latest twelve month period, including free service electricity, if any, at the rate that the unit or units of local government would have been billed had the electricity not been provided free of charge.
  - c) In the event that the purchase rate pursuant to Section 8-403.1(c) of the Act applicable to all electric energy purchased by a utility from qualified solid waste energy facilities is expected to result in monthly tax credits for a utility which will exceed its tax obligations under The Public Utilities Revenue Act (Ill. Rev. Stat. 1987, ch. 120, pars. 468 et seq.), qualified solid waste energy facilities shall be paid the purchase rate specified in Section 8-403.1(c) of the Act on a "first come, first served" basis determined from the date that the facility has obtained, and continues to hold, a valid development permit under Section 39 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1039) and, for facilities other than those fueled by methane gas generated from landfills, a service agreement with a unit or units of local government. Notice of said approval shall be provided to the Commission. After all available tax credits are used, remaining electric energy purchases from qualified solid waste energy facilities shall be paid at the elected rate under 83 Ill. Adm. Code 430.80, notwithstanding the contracted for purchase rate.

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NOTICE OF ADOPTED RULES

government may request a decision by the Commission concerning any costs relating to tax credits claimed by the utility, or any other tax credit dispute with a utility, in accordance with this Act or this Part.

- 2) Any petition by the Illinois Department of Revenue or a qualified solid waste energy facility requesting a decision pursuant to subsection (c)(1) shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

Section 445.80 Remedy

A utility or a qualified solid waste energy facility may file a petition with the Commission alleging violation of the Act or this Part. Any petition filed pursuant to this Section shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) THE HEADING OF THE PART: Duck, Goose and Coot Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 590
- 3) SECTION NUMBERS: ADOPTED ACTION:  

590.20	Amendments
590.60	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 2, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: December 22, 1989
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 6, 1989, 13 Ill. Reg. 15509
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The changes to this Part were proposed because previously (and through December 31, 1989), the daily limit on Canada Geese was 2 per day. During the month of January, 1990, in the Southern Illinois Quota Zone, the U.S. Fish and Wildlife Service will allow hunters to harvest 3 Canada Geese per day. Since we allowed 10 shells with a 2 goose limit, we wish to allow 15 shells during the 3 goose limit.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 590  
DUCK, GOOSE AND COOT HUNTING

Section  
590.10

Statewide Regulations

590.20

Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

590.25

Illinois Youth Goose Hunting Permit Requirements

590.30

Duck, Goose and Coot General Hunting Regulations on all Department-  
Owned and -Managed Sites.

590.40

Check Station Department Sites Only - Duck, Goose and Coot Hunting

590.50

Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

590.60

Various Other Department Sites - Duck, Goose and Coot Hunting

EXHIBIT A

The Non-Toxic Shot Zones of Illinois

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

SOURCE: Adopted at 5 IL Reg. 8857, effective August 25, 1981; emergency amendment at 5 IL Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 IL Reg. 10638; Part repealed at 6 IL Reg. 9647, effective July 21, 1982; new Part adopted at 6 IL Reg. 11865, effective September 22, 1982; amended at 7 IL Reg. 13229, effective September 28, 1983; emergency amendment at 7 IL Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 IL Reg. 18968, effective September 26, 1984; amended at 9 IL Reg. 14242, effective September 5, 1985; peremptory amendments at 9 IL Reg. 15062, effective September 25, 1985; emergency amendments at 9 IL Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 IL Reg. 16588, effective September 22, 1986; emergency amendments at 10 IL Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 IL Reg. 10560, effective May 21, 1987; emergency amendments at 11 IL Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency amendments at 12 IL Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency amendments at 12 IL Reg. 16233, effective September 20, 1989; emergency amendments at 12 IL Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency amendments at 13 IL Reg. 14925, effective September 7, 1989; emergency amendments at 13 IL Reg. 16579, effective October 4, 1989, for a maximum of 150 days; amended at 13 IL Reg. 17354, effective October 27, 1989; amended at 14 IL Reg. 638, effective January 2, 1990.

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting



DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

- a) Sites covered in this Section, which allow hunting by permit only, are:
  - Horseshoe Lake Conservation Area (Alexander County)
  - Rice Lake Conservation Area
  - Union County Conservation Area
- b) Permit Requirements
  - 1) Permit reservations will be accepted starting in September. Initial acceptance dates will be publicly announced.
  - 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.8).
  - 3) The permit will be for the use of the entire blind and it will be the responsibility of the permit holder to bring one hunting partner for Horseshoe Lake (Alexander County) and Union County (two hunters per blind) or two hunting partners for Rice Lake (three hunters per blind). Unfilled blinds will be filled by a drawing at the sites.
  - 4)
    - A) All duplicate permit reservations will be rejected and the hunter will forfeit his rights to a permit. Permits are not transferrable.
    - B) Permits cannot be transferred on the hunting area. For other information write to:
 

Illinois Department of Conservation  
Permit Office - Waterfowl  
524 S. Second Lincoln Tower Plaza, Room 210  
P.O. Box 19227  
Springfield, IL 62794-9227
  - 5) Permits for waterfowl hunting will be issued from the Springfield Permit Office for Horseshoe Lake (Alexander County), Union County and Rice Lake.
- c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County), Union County and Rice Lake areas

DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Subsection (c) of this Section shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.
- 2) Season dates, bag limits and methods of taking geese are set by the U. S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.
- 3) Hours, Permits and Stamp Charges
  - A) Hunting hours are from legal opening time until 12:00 Noon at Rice Lake. Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 Noon and will be closed on Mondays.
  - B) Hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing will be held to allocate blind sites. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), will have priority to be reassigned to the better blinds as they become available.
  - C) A \$15.00 Daily Usage Stamp must be purchased at Horseshoe Lake (Alexander County) and Union County. A \$6.00 Daily Usage Stamp must be purchased at Rice Lake.
- 4) When daily quotas are not filled, permits will be issued to standby hunters by a drawing held at the check station.
- 5) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- 6) Hunting will be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 7) Baiting with corn, grains or other feed is not allowed.
- 8) Guns must be unloaded and encased at all times when not hunting.
- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

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## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

Saline County Conservation Area

Sanganois Conservation Area

Sangchris Lake State Park

Shawnee National Forest, Bluff Lake

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)

Stephen A. Forbes State Park

Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)

Union County (firing line Waterfowl Management Area)

b) Site specific regulations

1) Waterfowl Hunting Regulations for Carlyle Lake Lands and Waters

- A) Shooting hours for waterfowl are statewide opening hour until 1:00 p.m.
- B) Waterfowl and coot hunting will be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.
- C) No permanent blinds, goose pits, or other structural works may be constructed or dug on State managed lands at any time, except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.
- D) It is unlawful to enter the subimpoundment area 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 3:00 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the duck hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4.

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- E) No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. (midnight) to 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunter may remain in the area after 3:00 p.m. each day of the waterfowl hunting season.
- F) It shall be unlawful to be in possession of firearms on the waters of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to the opening day of waterfowl hunting season.
- G) Only walk-in hunting will be permitted in the subimpoundment areas. No flotation devices capable of floating a man are allowed. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel will post that the area is open to boats. Boats are allowed only at these times in the subimpoundment areas.
- H) Only waterfowl and coot hunting are allowed in the subimpoundment area during the duck hunting season. On the day following the close of duck season to the close of goose season, the following areas in the Carlyle subimpoundment will be refuge. All of compartments 3 and 4 and that portion of compartment 2 that lies 200 yards south of levee B where the levee runs east and west, and 200 yards west where the levee turns and runs north and south.
- I) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.
- J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site).
- K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.
- L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.
- M) The lands and waters lying south of a line from the south side of the mouth of Coles Creek on the east side of Carlyle Lake to the south side of the mouth of Allen Branch on the west side of Carlyle Lake is a designated waterfowl refuge and is closed to hunting.

NOTICE OF ADOPTED AMENDMENTS

N) East Side Management Area from Cox Bridge to the north and east boundary of the State managed land is open to hunting of other species (that are in season) during the waterfowl hunting season. Subimpoundment area waterfowl regulations apply in this area for waterfowl hunting. Statewide and site specific regulations apply for other species.

A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season will be forfeited.

B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.

C) Hunting parties must maintain a minimum distance of 200 yards apart.

D) No more than 3 persons shall occupy or use a portable boat blind.

E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.

F) Each hunting party is required to hunt over a minimum of 12 decoys.

3) Donnelly State Wildlife Area

A) Hunting is prohibited on Tuesdays and Wednesdays.

B) Hunting hours are from sunrise to 12 Noon.

C) Goose hunting is prohibited after the close of the duck season.

D) All hunting will be from designated blinds only. Refilling or changing blinds is not permitted.

E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or firearm Owner's Identification Cards before proceeding to blinds.

2)

Clinton Lake

NOTICE OF ADOPTED AMENDMENTS

F) \$5 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized DOC personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.

J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season will be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There will be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

4) Fox Ridge State Park

A) Hunting restricted to Embarras River and its flood waters.

B) No permanent blinds of any kind or other structural works are permitted.

C) No pits shall be dug, built or occupied.

5) Fort de Chartres Historic Site

A) No check station.

B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.

C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.

D) Hunting parties must maintain a minimum distance of 200 yards apart.

E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- F) No hunting is allowed during firearm deer season.
- 6) Heidecke State Fish and Wildlife Area and Powerton Lake
- A) Definitions:
- i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials will be removed at the end of each hunting day.
  - ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.
  - iii) Daily draw - procedure by which blinds or blind sites are allocated daily.
  - iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.
- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after 10:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- G) Hunting will be from boat blinds only.
- H) Access to water blind sites will be by boat only and from designated boat launch sites.
- I) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.
- M) Heidecke Lake will be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake will be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.
- N) No hunting will be allowed on Monday and Tuesday at Heidecke Lake. No hunting will be allowed at Powerton Lake on Monday through Thursday except hunting will be permitted on State holidays.
- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.

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## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- 11) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area
- A) Waterfowl hunting will be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook Waterfowl Area, the McGee Waterfowl Area, and the Jonathan Creek Waterfowl Area will be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Drawings will be conducted at each area. Parties will register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn will be allowed to choose one of the staked sites in the waterfowl area. Parties will select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations will apply:
- i) All parties must hunt within 10 yards of their assigned stake.
- ii) All parties must be in place by one-half hour before shooting time.
- iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek and McGee Waterfowl Areas will be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.
- D) Daily shooting hours will be from legal opening to 1:00 p.m.
- E) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).
- F) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- G) The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- H) No goose pits shall be built or dug.
- I) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- J) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season.
- K) During the regular waterfowl season, no bank or boat fishing will be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.
- 12) Little Black Slough
- A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.
- B) Dedicated Nature Preserve areas are closed to hunting.
- 13) Lower Cache River State Natural Area
- A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.
- B) Dedicated Nature Preserve areas are closed to hunting.
- 14) Meredosia Lake - Cass County Portion Only
- All boat traffic is prohibited from entering the duly posted Waterfowl Refuge from 1 week before waterfowl season until the season closes.
- 15) Mermet
- A) Waterfowl hunting will be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who

NOTICE OF ADOPTED AMENDMENTS

wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds will be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owners Identification Cards.

(C) The daily drawing shall be held one hour prior to legal shooting time.

(D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.

(E) Those hunters in the blind area shall park in designated areas. These parking areas will be numbered to correspond with particular blind sites located along the levee road.

(F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

(G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.

(H) Daily hunting hours shall be the legal opening until 12:00 Noon local time.

(I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

(16) Mississippi River Area Fish and Wildlife Area

(A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

(B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

(C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), will be given one week to correct deficiencies. Blinds falling the second inspection will be reassigned to alternates selected at a drawing on a day publicly announced by the Department.

NOTICE OF ADOPTED AMENDMENTS

All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

(17) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 or the legal statewide closing, whichever is earlier, in Area A.

(18) Rend Lake Wildlife Management Area

(A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

(B) No goose pits or permanent blinds shall be dug or built on State lands.

(C) Only row boats and boats with electric motors shall be used in the subimpoundment areas during the waterfowl hunting season, except that during the last 14 days of the duck hunting season and until the end of the waterfowl season 10 h.p. outboard motors or less may be used.

(D) All waterfowl hunters and all boats must be out of the subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 3:00 a.m.

(E) No hunting will be permitted from the subimpoundment dams.

(F) No waterfowl hunting will be permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

(G) The distance between waterfowl hunting parties shall be no less than 100 yards in the Big Muddy and Casey Fork subimpoundment and 200 yards outside the subimpoundment on the remainder of the Area. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

(H) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1.

(I) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.



## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- J) All waterfowl hunting along an east-west line running 200 yards north of the Casey Fork Subimpoundment Dam will be within 10 feet of staked locations.
- K) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- L) Daily shooting hours for waterfowl will be from legal opening time to 1:00 p.m.
- M) The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
  - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- 19) Rice Lake (Walk-in and Copperas Creek Management Units)
- A) Hunting will be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.
  - B) Hunters shall be determined by a daily drawing at the designated check station.
  - C) Shooting hours shall be from legal opening time until 12:00 Noon. Statewide bag and possession limits apply on this area.
- 20) Saline County Conservation Area

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- A) Waterfowl hunting is allowed north of the township road only.
  - B) Walk-in hunting only.
- 21) Sanganois
- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
  - B) Walk-in waterfowl hunting will be permitted only in the area posted for this purpose.
  - C) All hunters using this area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
  - D) Upon the completion of hunting, hunters must report to the check station within one hour.
  - E) Fishing is prohibited in the impoundment areas during the waterfowl season.
  - F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.
  - G) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season.
- 22) Sangchris Lake State Park
- A) Hunting hours are legal opening until 12:00 Noon.
  - B) Hunters will participate in daily drawing commencing 2 hours prior to sunrise. Blind sites not selected during the drawings will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated until 9:00 a.m. Further, no blind sites will be allocated after 10:00 a.m.
  - C) All hunting will be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- A) All hunting will be by walking in or in boats without motors.
- B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

25) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting will be by walking into the area.
- B) Shooting hours for all species on this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.
- D) Each hunting party will be required to hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

26) Stephen A. Forbes

- A) Daily hunting hours are legal open to 1:00 p.m.
- B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.
- C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.
- D) Hunting will be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

27) Union County (Firing Line Waterfowl Management Area)

- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- B) This area will be closed at 12 noon during the goose season.
- C) Hunters may not possess more than 10 shells nor shot larger than size T ~~during the goose season~~ until January 1. During the January Goose Season, hunters may possess up to 15 shells with shot not larger than size T steel.
- D) Waterfowl hunting from staked sites only.

(Source: Amended at 14 Ill. Reg. 638, effective January 2, 1990 )

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) THE HEADING OF THE PART: The Taking of Wild Turkeys - Spring Season

2) CODE CITATION: 17 Ill. Adm. Code 710

3) SECTION NUMBERS: ADOPTED ACTION:

710.10	Amendments
710.20	Amendments
710.30	Amendments
710.50	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.11 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

5) EFFECTIVE DATE OF AMENDMENTS: January 2, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: December 22, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 6, 1989, 13 Ill. Reg. 15534

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 710.20(c), following "January 12", the following was inserted: ", except for those postmarked before January 13,".

In Section 710.30(e), the \* was changed to "1/2".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part is being amended to incorporate changes relating to Turkey Hunting for the 1990 Spring Season. Changes have been made in the season dates, the number of permits issued by county and several sites have either been added or deleted.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 710  
THE TAKING OF WILD TURKEYS - SPRING SEASON

Section	
710.10	Hunting Seasons and Permit Quotas
710.20	Turkey Permit Requirements
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department Owned or Managed Sites
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984, amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990.

Section 710.10 Hunting Seasons and Permit Quotas

- a) Season Dates:
  - 1st Season: Monday, April ~~409~~ - Friday, April ~~44~~, -1989-13, 1990.
  - 2nd Season: Saturday, April ~~45-14~~ - Friday, April ~~21~~, -1989-20, 1990.
  - 3rd Season: Saturday, April ~~22-21~~ - Wednesday, May ~~3~~, -1989-2, 1990.

b) Open Counties and Permit Quotas:

COUNTIES	NUMBER OF PERMITS PER SEASON
Adams	<del>440</del> 200
Alexander	<del>170</del>
Brown	175
Calhoun	<del>425</del> 150
Carroll	<del>440</del> 150
<u>Cass</u>	<u>50</u>

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<u>Effingham</u>	50
<u>Fayette</u>	<del>400</del> 150
<u>Fulton</u>	<del>400</del> 120
<u>Gallatin-Hardin</u>	250
<u>Greene</u>	<del>80</del> 120
<u>Hancock</u>	<del>90</del> 140
<u>Henderson</u>	60
<u>Jackson</u>	310
<u>Jersey</u>	180
<u>Jo Daviess</u>	<del>275</del> 350
<u>Johnson</u>	75
<u>Macoupin</u>	90
<u>Marion</u>	70
<u>Marshall-Putnam</u>	<del>506</del> 0
<u>McDonough</u>	<del>708</del> 0
<u>Monroe</u>	<del>70</del> 110
<u>Pike</u>	<del>250</del> 300
<u>Pope</u>	420
<u>Randolph</u>	<del>400</del> 125
<u>Saline</u>	80
<u>Schuyler</u>	<del>250</del> 275
<u>Union</u>	330
<u>Washington</u>	<del>506</del> 0
<u>Williamson</u>	85

(Source: Amended at 14 Ill. Reg. 663, effective January 2, 1990.)

Section 710.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey  
524 S. Second Street, Room 210  
P. O. Box 19446  
Springfield, Illinois 62794-9446

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- h) A \$3.00 service fee will be charged for replacement permits issued by the Department.
- i) It shall be unlawful to:
- 1) Submit applications before the second Monday in March for receiving more than one permit for the same person, and thereafter, submittal of applications for receiving more than two permits for the same person.
  - 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 14 Ill. Reg. 663, effective January 2, 1990)

**Section 710.30 Turkey Hunting Regulations**

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait;
- b) to take any wild turkey except a gobbler (male), or a hen with a visible beard;
- c) to take, or attempt to take, more than two wild turkey during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. ~~Shotguns cannot be larger than 10 gauge, nor smaller than 20 gauge. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used.~~ Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw; a barbless broadhead hunting arrow is the only legal arrow. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal;
- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession;
- h) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey

DEPARTMENT OF CONSERVATION  
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immediately upon taking possession. The wild turkey shall be taken whole (not dressed) to the designated check station for the county in which it was killed, or the closest check station, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station.

- i) For any person to shoot a wild turkey while it is in a tree before 7:00 a.m.
- j) For any person to use a turkey call or to attempt to call a turkey while in the field from April 1 through the day before turkey season.

(Source: Amended at 14 Ill. Reg. 663, effective January 2, 1990)

**Section 710.50 Regulations at Various Department Owned or Managed Sites**

- a) Statewide regulations shall apply for the following sites:

Carlyle Lake Wildlife Management Area

LaRue Scatters

Mark Twain N.W.R., Gardner Division

Mississippi River Pool #18 (Henderson County)

Oakwood Bottoms

Panther Creek Conservation Area

Pike County Conservation Area

Saline County Conservation Area

~~Trail of Tears State Forest~~

~~Union County Conservation Area - Firing Line Management Unit Only~~

- b) Statewide regulations shall apply except that all hunters must check in and out and report turkeys harvested at the check station for the following sites:

Anderson Lake Conservation Area

Fort de Chartres - muzzleloading shotgun or archery only.

Giant City State Park - hunting allowed only in designated zones.

Pere Marquette State Park - designated open zone in southeast portion of the Park only.

NOTICE OF ADOPTED AMENDMENTS

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area - ~~hunting-allowed-only-in~~ ~~designated-zones~~

Union County Conservation Area - Firing line management unit only.

Weinburg-King State Park - hunting allowed only in designated zones.

c)

Statewide regulations shall apply and a drawing will be held the day prior to each day's hunt to fill the area's daily hunter quota. All hunters must check in and out at the check station. Hunters will be allowed to hunt in designated zones only.

~~Early-Lake-Wildlife-Management-Area - - quota-12~~

Big River State Forest

= quota 6

Mississippi Palsades State Park

- quota 10

Pere Marquette State Park

- quota 15

~~Ramsey-Lake-State-Park~~

- quota 4

~~Silom Springs State Park~~

- quota 20

d)

Statewide regulations shall apply except that all hunters must sign in and check out to report turkeys harvested. There will be a daily quota of hunters which will be taken on a first-come, first-served basis. Hunters will not be allowed to sign in prior to 4 a.m. each day of the season.

~~Port-de-Chances (hunter quota - 3) muzzleloading shotgun or archery only~~

Tapley Woods (hunter quota - 2)

e)

Statewide regulations shall apply and a drawing will be held the day prior to each of the three seasons to fill the hunter quota. All hunters must check in and out at the check station. Hunters will be allowed to hunt in designated zones only.

~~Ferne Clyffe State Park (season-number-quota - 2 + 2 alternates)~~

~~Stephen A. Forbes State Park - (quota 6 + 6 alternates)~~

~~Ramsey Lake State Park - (quota 6 + 6 alternates)~~

f)

Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited

NOTICE OF ADOPTED AMENDMENTS

to, selected check stations, limited hunting hours, and designated first-come first-serve sites.

(Source: Amended at 14 Ill. Reg. 663, effective January 2, 1990)



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: 2732.200      Adopted Action: New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 322, 610 and 611.
- 5) Effective Date of the Rules: January 2, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: December 27, 1989.
- 9) Notice of Proposal published in Illinois Register: August 4, 1989 at 13 Ill. Reg. 12748.
- 10) Has JCAR issued a Statement of Objection to these Rules? Yes.
  - A) Statement of Objection: December 29, 1989 at 13 Ill. Reg. 20398.
  - B) Agency Response: January , 1990 at 14 Ill. Reg. .
  - C) Date Agency Response Submitted for Approval to JCAR: December 21, 1989.
- 11) Difference between proposal and final version: In subsection (a), "Unemployment Insurance" is inserted before "Act". At the end of subsection (a), "to a particular factual situation" is added. At the end of subsection (a)(3), "third party" is stricken and "other persons with relevant information" is added. A comma is added after "exist" in subsection (b) and after "conjunctive" in subsection (d). The following is added to the beginning of subsection (e):  
 "Engaged in an independently established trade, occupation, profession or business" within the meaning of Section 212(C) of the Act means that the individual has a proprietary interest in the business which he can sell, give away or operate without hinderance from any other party. While no one factor will determine if an individual is engaged in an independently established trade, occupation, profession or business, as set out in Section 212(C), the business reality or totality of circumstances will determine the presence of this condition."

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

- Subsection (e)(1) is stricken, and subsections (e)(2) through (14) are appropriately renumbered. In subsection (e)(4), "or the business community" is added after "the general public". In subsection (e)(10), IDES is changed to "the Agency". In subsection (g), "audit" is changed to "review" in both places where it is mentioned, and "under this Section" is added at the end of the third sentence. Subsection (g)(26) is stricken.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
  - 13) Will this replace an emergency rule currently in effect? No.
  - 14) Are there any amendments pending on this Part? No.
  - 15) Summary and purpose of the rules: These rules set forth the standards used by the Department in determining whether an individual is not in employment pursuant to Section 212 of the Act.
  - 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Stella Adams Cuthbert, Commissioner  
 Illinois Department of Employment Security  
 401 South State Street - 2 South  
 Chicago, Illinois 60605  
 312/793-4240

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## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

- 4) The individual makes his services available to the general public or the business community on a continuing basis;
  - 5) The individual includes the individual's services on a Federal Income Tax Schedule as an independent business or profession;
  - 6) The individual performs services for the employing unit under his own business name;
  - 7) The individual has a shop or office of his own;
  - 8) The employing unit does not represent the individual as an employee of the firm to its customers;
  - 9) The individual hires his own helpers or employees, without the employing unit's approval, pays them without reimbursement from the employing unit, and reports their income to the Internal Revenue Service;
  - 10) The individual has an account number with the Agency and reports the wages of his workers quarterly to the Agency;
  - 11) The individual has the right to perform similar services for others on whatever basis and whenever he chooses;
  - 12) The individual maintains a business listing in the telephone directory or in appropriate trade journals;
  - 13) If the services require a license, the individual has obtained and paid for the license in his own name.
- f) The two factors in Section 212(B) are in the alternative. Section 212(B) is satisfied if the service is either outside the usual course of business of the employing unit or performed outside of all the places of business of the employing unit:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Services which merely render the place of business more pleasant or are not necessary to the employing unit's business are outside the usual course of business.
 

Example: The services of a window washer engaged by an employing unit whose business is selling woolens are outside the usual course of the business of the employing unit.
- 2) Because services are performed outside the employing unit's premises does not preclude an individual from being found to be in employment. This decision is based upon the occupation and the factual context in which the services are performed.
  - A) Example: The homes of typists who are typing manuscripts for an employing unit are places of business of the employing unit.
  - B) Example: Any territory in which a salesman represents his employing unit's interests is the employing unit's place of business.
- g) "Direction or control" within the meaning of Section 212 (A) of the Act means that an employing unit has the right to control and direct the worker, not only as to the work to be done but also as to how it should be done, whether or not that control is exercised. The following are illustrative of the types of questions the Department will examine to determine whether "direction or control" exists. The type of business subject to review and the relationship being examined will determine which questions are asked in any given review under this Section. No one question or answer or combination of questions and answers will determine whether direction or control exists but rather the business reality or totality of circumstances will determine if direction or control exists:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 15) Does the employing unit furnish the worker with transportation, samples, a drawing account, business cards, an expense account, or order blanks;
- 16) Does the employing unit allow the worker to sell noncompetitive lines, or engage in other employment;
- 17) Does the employing unit restrict the worker in terms and conditions of sale, and choice of customers;
- 18) Does the employing unit assign or limit the territory in which the individual performs;
- 19) Does the employing unit set the price and credit terms for the products or services;
- 20) Does the employing unit reserve the right to approve orders or contracts;
- 21) Does the employing unit have a right to discharge;
- 22) Does the employing unit require attendance at meetings or training courses;
- 23) Does the employing unit have the right to appoint the individual's supervisors;
- 24) Does the employing unit have the right to set rules and regulations;
- 25) Does the employing unit purport to guarantee the product or service performed;

(Source: Added at 14 Ill. Reg. 673, effective January 2, 1990)

DEPARTMENT OF EMPLOYMENT SECURITY

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- 1) Does the employing unit issue assignments or schedule work, set quotas or time requirements;
- 2) Does the employing unit have the right to change the methods used by the worker in performing his services;
- 3) Does the employing unit require the worker to follow a routine or schedule;
- 4) Does the employing unit require the worker to report to a specific location, and/or at regular intervals;
- 5) Does the employing unit require the worker to furnish a record of his time to the firm;
- 6) Does the employing unit require the worker to perform services a specific number of hours per day or per week;
- 7) Does the employing unit engage the worker on a permanent basis;
- 8) Does the employing unit reimburse the worker for expenses incurred;
- 9) Is the worker eligible for a pension, a bonus, paid vacation, or sick pay;
- 10) Does the employing unit carry workers' compensation insurance on the worker;
- 11) Does the employing unit deduct Social Security tax from the worker's compensation;
- 12) Does the employing unit report the worker's income to the Internal Revenue Service on Form W-2;
- 13) Does the employing unit bond the worker;
- 14) Does the employing unit furnish the worker with materials and supplies, tools or equipment;

## DEPARTMENT OF ENERGY AND NATURAL RESOURCES

## NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Joint Rules of the Illinois Commerce Commission and the Department of Energy and Natural Resources: Residential Conservation Plan
- 2) Code Citation: 83 Ill. Adm. Code 1000
- 3) Section numbers:                      Adopted Action:  
Not Apply                                      Not Apply
- 4) Statutory Authority: Implementing Temporary Programs (10 CFR 456.207) and implementing and authorized by Section 3(a)(1) of "AN ACT in relation to natural resources and research, data collection and environmental studies" (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7403(a)91)) and Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).
- 5) Effective Date of Repeal: January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this repeal contain incorporations by reference? Yes, approval form not necessary.
- 8) Date Filed in Agency's Principal Office: December 27, 1989
- 9) Notice of Proposal Published in Illinois Register:  
August 4, 1989, at 13 Ill. Reg. 12756
- 10) Has JCAR issued a Statement of Objections to this repealer?  
No.
- 11) Difference between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
No changes necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

## DEPARTMENT OF ENERGY AND NATURAL RESOURCES

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: 83 Ill. Adm. Code 1000, "Joint Rules of the Illinois Commerce Commission and the Department of Energy and Natural Resources: Residential Conservation Plan," became effective January 1, 1981, as a means of compliance with the National Energy Conservation Policy Act ("NECPA") (P.L. 95-619, as amended) as implemented by 10 CFR 456. Under Section 228 of NECPA (42 U.S.C. 8229), all authority to enforce the utility programs under NECPA which relate to residential energy conservation terminates effective June 30, 1989. With the termination of Federal authority for imposing these programs on the states, it is appropriate to repeal Part 1000, which was designed to implement 10 CFR 456.207, "Temporary Programs."
- 16) Information and questions regarding this adopted repealer shall be directed to:

Henry Kurth  
Department of Energy and  
Natural Resources  
325 West Adams, 3rd Floor  
Springfield, IL 62701  
(217)785-2800

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 310  
MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM

SUBPART A: GENERAL

- Section 310.101 Authority
- 310.102 Purpose and Objectives
- 310.103 Definitions
- 310.104 Borrowing by the Authority
- 310.105 Compliance with Federal Law
- 310.106 Standards
- 310.107 Forms and Procedures for the Program
- 310.108 Fees and Charges of the Authority
- 310.109 Waiver
- 310.110 Amendment
- 310.111 Severability
- 310.112 Gender and Number
- 310.113 Titles and Captions
- 310.114 Calendar Days

SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

- Section 310.201 Applicability and Purpose of Notification
- 310.202 Notification by Authority
- 310.203 Comments and Responses
- 310.204 Feasibility Application
- 310.205 Hearings
- 310.206 Notice of Issuance of Feasibility Letter

SUBPART C: OWNER

- Section 310.301 Eligible Mortgagors
- 310.302 Land Trusts
- 310.303 Organizational Documents
- 310.304 Books and Records
- 310.305 Audits
- 310.306 Annual Financial Report
- 310.307 Furnishing Information
- 310.308 Purchase of Authority Bonds and Notes
- 310.309 Standards for Approval of Conveyance and Amendment of Documents

SUBPART D: MORTGAGE LOAN

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

- Section 310.401 Maximum Mortgage Loan Amount
- 310.402 Amortization
- 310.403 Equity and Distributions
- 310.404 Development Funds and Property
- 310.405 Reserve Fund for Replacements

SUBPART E: CONSTRUCTION

- Section 310.501 Design and Construction Standards

SUBPART F: MARKETING AND MANAGEMENT

- Section 310.601 Marketing and Management
- 310.602 Marketing and Management Plans
- 310.603 Maintenance
- 310.604 Cost of Services

SUBPART G: OCCUPANCY

- Section 310.701 Tenant Selection Plan
- 310.702 Income Limits
- 310.703 Commercial Facilities

SUBPART H: RATE OF RETURN ON EQUITY FOR LIMITED-PROFIT ENTITIES

- Section 310.801 Statutory Authorization
- 310.802 Projects Eligible for Increased Rate of Return
- 310.803 No Retroactive Adjustments
- 310.804 Calculation of Alternate Basic Rate of Return
- 310.805 Risk Premium for Special Needs
- 310.806 Increases in the Basic Rate of Return

SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW AND REHABILITATED DEVELOPMENTS

- Section 310.901 Statutory Authorization
- 310.902 Definitions
- 310.903 Incorporation of National Standards
- 310.904 Thermal Requirements
- 310.905 Air Infiltration Requirements
- 310.906 Doors, Windows and Glass
- 310.907 Mechanical Work

NOTICE OF ADOPTED AMENDMENT(S)

310.908	Insulation
310.909	Mechanical Work Insulation
310.910	Electrical Work
310.911	Energy Audit Analysis
310.912	Rehabilitation Guidelines
310.913	Rehabilitation Waiver

AUTHORITY: Implementing and authorized by the Illinois Housing Development Authority Act (Ill. Rev. Stat. 1987, ch. 67-1/2, pars. 301 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; Emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg. 13987, effective August 11, 1986; amended at 14 Ill. Reg. 683, effective December 27, 1989.

SUBPART H: RATE OF RETURN ON EQUITY FOR LIMITED-PROFIT ENTITIES

Section 310.804 Calculation of Alternate Basic Rate of Return

a) In lieu of a rate of return of 6% paid on owner's equity, the Authority may establish an Alternate Basic Rate of Return in an amount not to exceed, except as provided in Section 310.805, two hundred percent of the yield paid on 30-year Government National Mortgage Association (GNMA) mortgage certificates as of the date of the Conditional Commitment Letter to that project. The Authority will establish an Alternate Basic Rate of Return if the Director or Deputy Director determines that but for a higher rate of return private enterprise would not acquire, construct, rehabilitate, operate and maintain housing for low and moderate-income persons. In making the determination whether an Alternate Basic Rate of Return will be approved and in determining the amount of the rate increase, the Director or Deputy Director shall consider but not be limited to the competing market interest rates, alternative lending sources, financial projections based upon anticipated rents, debt service, taxes, utilities and other expenses and the comparative severity of the housing needs. Such Alternate Basic Rate of Return shall be established as of the last day of the calendar month preceding the month during which the Conditional Commitment Letter is issued for the development by the Authority.

b) An Alternate Basic Rate of Return higher than 6% will be established for a development only if the Director or Deputy Director certifies that establishment of a higher rate of return is consistent with attracting private enterprise to acquire, construct, rehabilitate,

NOTICE OF ADOPTED AMENDMENT(S)

operate and maintain the development. The Chief Fiscal Officer of the Authority shall certify to the GNMA rate as of the date of the Conditional Commitment Letter, and the rate shall be fixed at that level. The decision to certify will be made by either the Director or Deputy Director, if there is a disagreement between the Director and Deputy Director, the decision of the Director shall prevail. In order for an Alternate Basic Rate of Return higher than 6% to be approved, it would have to be established to the satisfaction of the Director or Deputy Director that but for the increase in the rate of return private enterprise would not be attracted to acquire, construct, rehabilitate, operate and maintain the development. In making this determination, and in determining the amount of such increase, the Director or Deputy Director shall consider but not be limited to the competing market interest rates, the alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs.

(Source: Amended at 14 Ill. Reg. 683, effective December 27, 1989)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Finished Water and Raw Water Quality and Quantity
- 2) The Code Citation: 35 Ill. Adm. Code 604
- 3) Section Number:        Adopted Action:  
604.203                      Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , pars. 1017 and 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 2, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 2, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register: 13 Ill. Reg. 255, January 13, 1989.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.
- 11) Difference(s) between proposal and final version:  
In Section 604.203(d)(2), the compliance date of January 1, 1990 was changed to January 1, 1992.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):  
On October 5, 1982, the Illinois Pollution Control Board adopted amendments to the Public Water Supply (35 Ill. Adm. Code Subtitle F) rules which established a maximum allowable

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

concentration of 0.10 mg/l for Total Trihalomethanes (TTHMs) in finished drinking water. Trihalomethanes are organic chemicals consisting of one carbon atom, one hydrogen atom and three halogen atoms. These are formed when free chlorine reacts with naturally occurring compounds which are generally produced by decaying vegetation. Research by the National Cancer Institute and the National Academy of Sciences shows that TTHMs may be carcinogenic and can lead to liver or kidney disorders, birth defects, and central nervous system damage.

This rulemaking extends the protections against TTHMs to smaller public water supplies, i.e., those serving fewer than 10,000 people. Generally, the proposal accomplishes two goals. First, the rules are proposed to require that surface water sources for supplies serving fewer than 10,000 individuals comply with the Maximum Allowable Concentration of Total Trihalomethanes (0.10 mg/l) by January 1, 1992. Second, the proposal establishes a monitoring system specifically for smaller supplies.

The amendments proposed for this Part require compliance by water supplies serving fewer than 10,000 people with the Maximum Allowable Concentration Standard for Total Trihalomethanes of 0.10 mg/l.

The Board notes that these amendments will need to be later recodified in order to be made compatible with the "identical in substance" amendments recently proposed in R88-26 to implement Section 17.5 of the Environmental Protection Act [see Proposal for Public Comment, Illinois Register: Vol.#13, Issue#48 (December 1, 1989) pp. 18668 (Part 604); 18822 (Part 605); 18816 (Part 606); 18683 (Part 607); 18690 (Part 611)].

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

Daniel L. Siegfried  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-6923

The full text of the adopted rule(s) begins on the following page:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

basis of the mean of two analyses. When a level exceeding the maximum allowable concentration for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum allowable concentration, the owner or operator of the public water supply shall report his findings to the Agency pursuant to 35 Ill. Adm. Code 606.102 and shall notify the public pursuant to 35 Ill. Adm. Code 606.

d) Total Trihalomethanes:

- 1) The average of Total Trihalomethanes concentration in the finished water of four samples of any four consecutive quarters per treatment plant or per aquifer shall not exceed the limit listed in Section 604.202.
- 2) Supplies serving ~~75,000~~ 10,000 or more individuals shall comply with the Total Trihalomethanes standard listed in Section 604.202 by the effective date of these regulations. ~~Supplies serving 10,000 to 74,999 fewer than 10,000 individuals shall comply with this standard by November 5, 1983 January 1, 1992. This standard does not apply to supplies serving less than 10,000 individuals.~~
- 3) If the average of samples covering any twelve-month period exceeds the Maximum Allowable Concentration for Total Trihalomethanes, as listed in Section 604.202, the owner or operator of the supply shall notify the Agency pursuant to Section 606.102 and give notice to the public pursuant to Sections 606.201 - 606.205 of these Rules this Part. ~~Monitoring after public notification shall be at the frequency required by Section 605.104.~~

e) Turbidity:

- 1) Turbidity in drinking water shall not exceed one turbidity unit at the point where water enters the distribution system unless it can be demonstrated that a higher turbidity not exceeding 5 Nephelometric Turbidity Units (NTU) does not:
  - A) interfere with disinfection, or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) cause tastes and odors upon disinfection, or
- C) prevent the maintenance of an effective disinfection agent throughout the distribution system, or
- D) result in deposits in the distribution system, or
- E) cause customers to question the safety of their drinking water.

- 2) The provisions of Section 604.204 notwithstanding, if a turbidity measurement exceeds the maximum allowable concentration, a resample must be taken as soon as practicable, and preferably within one hour. If the check-sample confirms that the standard has been exceeded, the Agency must be notified within 48 hours. The value of the check-sample shall be the value used in calculating the monthly average. If the monthly average of the daily samples taken in accordance with 35 Ill. Adm. Code 605.109 exceeds the maximum allowable concentration, or if the average of two samples taken on consecutive days exceeds 5 NTU, the owner or operator of the public water supply shall report to the Agency and notify the public as directed in 35 Ill. Adm. Code 606.

(Source: Amended at 14 Ill. Reg. 689, effective January 2, 1990)

NOTICE OF ADOPTED AMENDMENTS

plant, for analysis or ~~for~~ analytical results from ~~by~~ a certified laboratory to the Agency taken between May 1 and October 31 of succeeding years. If the sample exceeds the Maximum Allowable Concentration ~~of~~ ~~for~~ ~~the~~ Agency ~~shall~~ submit to the Agency samples in accordance with the sampling frequency specified in Section 605.104(a) above.

In subsection (c), "over 10,000 individuals" was changed to "10,000 or more individuals". Also, "Maximum Total Trihalomethane Potential" was added to clarify the meaning of "MTP".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

On October 5, 1982, the Illinois Pollution Control Board adopted amendments to the Public Water Supply (35 Ill. Adm. Code Subtitle F) rules which established a maximum allowable concentration of 0.10 mg/l for Total Trihalomethanes (TTHMs) in finished drinking water. Trihalomethanes are organic chemicals consisting of one carbon atom, one hydrogen atom and three halogen atoms. These are formed when free chlorine reacts with naturally occurring compounds which are generally produced by decaying vegetation. Research by the National Cancer Institute and the National Academy of Sciences shows that TTHMs may be carcinogenic and can lead to liver or kidney disorders, birth defects, and central nervous system damage.

This rulemaking extends the protections against TTHMs to smaller public water supplies, i.e., those serving fewer than 10,000 people. Generally, the proposal accomplishes two water sources for supplies serving fewer than 10,000 individuals comply with the Maximum Allowable Concentration of Total Trihalomethanes (0.10 mg/l) by January 1, 1992. Second, the proposal establishes a monitoring system specifically for smaller supplies.

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Sampling and Monitoring
- 2) The Code Citation: 35 Ill. Adm. Code 605
- 3) Section Number: Adopted Action:
- 605.104 Amend
- 4) Statutory Authority: 111. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , pars. 1017 and 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 2, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: December 2, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register: 13 111. Reg. 269, January 13, 1989.

- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.
- 11) Difference(s) between proposal and final version:

In Section 605.104(a), "as set forth in 35 Ill. Adm. Code 604.202" added after "Maximum Allowable Concentration".

Changes made to Section 605.104(b) are indicated by legislative type as follows:

Surface Water Sources for Supplies Serving Fewer than 10,000 Individuals: ~~shall~~ ~~for~~ ~~supplies~~ serving fewer than 10,000 individuals shall submit at least one initial sample per treatment plant for ~~MTRC~~ analysis or analytical results from a certified laboratory for Maximum Residence Time Concentration (MRTC) taken between May 1, 1989 and October 31, 1990. After written request by the supply and the sample indicate that the supply is not likely to exceed the Maximum Allowable Concentration, the supply shall continue to submit one annual sample per treatment

POLLUTION CONTROL BOARD

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The amendments proposed for this Part establish the frequency of Trihalomethane analysis sampling for supplies serving fewer than 10,000 people.

The Board notes that these amendments will need to be later recodified in order to be made compatible with the "identical in substance" amendments recently proposed in R88-26 to implement Section 17.5 of the Environmental Protection Act [see Proposal for Public Comment, Illinois Register: Vol.#13, Issue#48 (December 1, 1989) pp. 18668 (Part 604); 18822 (Part 605); 18816 (Part 606); 18683 (Part 607); 18690 (Part 611)].

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

Daniel L. Siegfried  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-6923

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

PART 605

SAMPLING AND MONITORING

Section	
605.101	Frequency of Bacteriological Sampling
605.102	Minimum Allowable Monthly Samples for Bacteriological Analysis
605.103	Frequency of Chemical Analysis Sampling
605.104	Frequency of Trihalomethane Analysis Sampling
605.105	Monitoring Requirements for Radium-226, -228, and Gross Alpha Particle Activity
605.106	Monitoring Frequency for Radium-226, -228, and Gross Alpha Particle Activity
605.107	Monitoring Requirements for Man-Made Radioactivity
605.108	Monitoring Frequency for Man-Made Radioactivity
605.109	Surface Water Supplies Additional Monitoring Requirements
605.110	Modification of Monitoring Requirements
Appendix A	References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 695, effective January 2, 1990.

Section 605.104 Frequency of Trihalomethane Analysis Sampling

- a) Surface Water Sources for Supplies Serving Over 10,000 Individuals: Supplies serving over 10,000 individuals shall submit at least four samples per treatment plant per quarter for analysis or analytical results from a certified laboratory for Total Trihalomethanes to the Agency. After results of four consecutive quarters demonstrate consistent Total Trihalomethanes concentrations below the Maximum Allowable Concentration

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## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Podiatric Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1360
- 3) Section Numbers: Adopted Action:  
1360.30 Amended
- 4) Statutory Authority: Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4809)
- 5) Effective Date of Amendment: December 28, 1989
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 21, 1989
- 9) Date Notice of Proposal Published in Illinois Register: September 8, 1989, 13 Ill. Reg. 14004.
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: There are no differences between the proposed and final version.
- 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 these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The requirement that an applicant is to submit proof of passage of Part II of the examination given by the National Board of Podiatric Medical Examiners prior to applying for the examination administered by the Department has been deleted. However, the applicant will still be required to submit proof of Part II before a temporary or permanent podiatric medical license will be issued.
- 16) Information and questions regarding this adopted rule shall be directed to:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1360  
PODIATRICAL MEDICAL PRACTICE ACT OF 1987

Section 1360.10 Statutory Authority (Repealed)  
1360.20 Approved Colleges of Podiatry  
1360.30 Application for Examination  
1360.40 Written Clinical Competency Examination  
1360.45 Application for Licensure on the Basis of Examination  
1360.50 Endorsement  
1360.55 Renewals  
1360.60 Restoration  
1360.65 Temporary Licenses  
1360.70 Continuing Education  
1360.75 Visiting Professor Permits  
1360.80 Definition of "Human Foot" (Repealed)  
1360.85 Advertising  
1360.90 Granting Variances

APPENDIX A Curriculum Requirements (Repealed)  
APPENDIX B Clinical Training Requirements (Repealed)

AUTHORITY: Implementing the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4801 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 4 Ill. Reg. 50, p. 58, effective December 3, 1980; codified at 5 Ill. Reg. 11053; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 915, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8402, effective July 2, 1982; amended at 7 Ill. Reg. 7668, effective June 15, 1983; amended at 9 Ill. Reg. 5377, effective April 4, 1985; transferred from Chapter 1, 68 Ill. Adm. Code 360 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1360 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2962; amended at 13 Ill. Reg. 4234, effective March 21, 1989; amended at 14 Ill. Reg. 701, effective December 28, 1989.

Section 1360.30 Application for Examination

An applicant for examination for licensure as a podiatric physician shall file

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

an application with the Department or its designated testing service, on forms supplied by the Department, at least 60 days prior to an examination date. The application shall include:

- a) A complete work history indicating all employment since graduation from an approved podiatric medical program which meets the requirements set forth in Section 1360.20;

b) Either:

- 1) Certification of graduation from an approved podiatric medical program; or
- 2) Certification that the applicant is a full-time fourth year student in an approved podiatry program. This certification must be signed by the director or registrar of the applicant's podiatric medicine program.

c) Proof of a minimum score of 75 in all subject areas of Part I and-Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME). The applicant shall have his scores submitted to the Department or its designated testing service, directly from NBPME.

d) The required fee as provided for in Section 18(A)(2) of the Act.

(Source: Amended at 14 Ill. Reg. 701, effective December 28, 1989)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDRENS
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:        Adopted Action:  
 112.252                    Amendment  
 112.253                    Amendment  
 112.254                    Amendment
- 4) Statutory Authority: Sections 4-2 and 12-4.11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-2 and 12-4.11)
- 5) Effective Date of Amendments: January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date?  
    \_\_\_ Yes    X No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 1, 1990
- 9) Notice of Proposal Published in Illinois Register:  
 September 22, 1989 (13 Ill. Reg. 14741)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No changes were made to the text of this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u>        |
|------------------------|------------------------|--|
| 112.82                 | Amendment              | October 27, 1989<br>(13 Ill. Reg. 16894) |
| 112.138                | New Section            | December 1, 1989<br>(13 Ill. Reg. 18833) |
| 112.154                | Amendment              | December 8, 1989<br>(13 Ill. Reg. 19117) |
| 112.300                | Amendment              | October 27, 1989<br>(13 Ill. Reg. 16894) |
| 112.303                | Amendment              | December 1, 1989<br>(13 Ill. Reg. 18833) |
- 15) Summary and Purpose of Amendments: This rulemaking increases the Aid to Families With Dependent Children payment level by 7.5%, effective January 1, 1990. Interested parties should also see 89 Ill. Adm. Code 114, 115 and 120 in this issue of the Illinois Register.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
- Name: Anita Williams, Staff Attorney  
 Office of the General Counsel
- Address: Illinois Department of Public Aid  
 Jesse B. Harris Bldg., II  
 100 South Grand Avenue East, 3rd Floor  
 Springfield, Illinois 62762
- Telephone: (217) 782-1233

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

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
- 112.134 Initial Employment
- 112.135 Budgeting Earned Income For Contractual Employees
- 112.136 Budgeting Earned Income For Non-Contractual School Employees
- 112.137 Termination of Employment
- 112.140 Exempt Earned Income
- 112.141 Earned Income Exemption
- 112.142 Exclusion From Earned Income Exemption
- 112.143 Recognized Employment Expenses
- 112.144 Income From Work/Study/Training Program
- 112.145 Earned Income From Self-Employment
- 112.146 Earned Income From Roomer and Boarder
- 112.147 Income From Rental Property
- 112.148 Payments from the Illinois Department of Children and Family Services
- 112.149 Earned Income In-Kind
- 112.150 Assets
- 112.151 Exempt Assets
- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers
- 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

- Section
- 112.250 Grant Levels
- 112.251 Payment Levels in AFDC
- 112.252 Payment Levels in AFDC Group I Counties
- 112.253 Payment Levels in AFDC Group II Counties
- 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

- Section
- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Monthly Reporting
- 112.303 Restrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Aliens
- 112.308 Special Needs Authorizations
- 112.309 Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 112.315 Young Parent Program
- 112.320 Redetermination of Eligibility
- 112.330 Six Month Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;

Reg. 18127, effective October 1, 1984; peremptory amendment at 8 111. Reg. 19889, effective October 1, 1984; amended at 8 111. Reg. 19983, effective October 3, 1984; emergency amendment at 8 111. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 111. Reg. 21621, effective October 23, 1984; amended at 8 111. Reg. 25023, effective December 19, 1984; amended at 9 111. Reg. 282, effective January 1, 1985; amended at 9 111. Reg. 4062, effective March 15, 1985; amended at 9 111. Reg. 8155, effective May 17, 1985; emergency amendment at 9 111. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 111. Reg. 11317, effective July 5, 1985; amended at 9 111. Reg. 12795, effective August 9, 1985; amended at 9 111. Reg. 15887, effective October 4, 1985; amended at 9 111. Reg. 16277, effective October 11, 1985; amended at 9 111. Reg. 17827 effective November 18, 1985; emergency amendment at 10 111. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 111. Reg. 1172, effective January 10, 1986; amended at 10 111. Reg. 3641, effective January 30, 1986; amended at 10 111. Reg. 4885, effective March 7, 1986; amended at 10 111. Reg. 8118, effective May 1, 1986; amended at 10 111. Reg. 10628, effective June 1, 1986; amended at 10 111. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 111. Adm. Code 160 at 10 111. Reg. 11928; emergency amendment at 10 111. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 111. Reg. 12650, effective July 14, 1986; amended at 10 111. Reg. 14681, effective August 29, 1986; amended at 10 111. Reg. 15101, effective September 5, 1986; amended at 10 111. Reg. 15621, effective September 19, 1986; amended at 10 111. Reg. 21860, effective December 12, 1986; amended at 11 111. Reg. 2280, effective January 16, 1987; amended at 11 111. Reg. 3140, effective January 30, 1987; amended at 11 111. Reg. 4682, effective March 6, 1987; amended at 11 111. Reg. 5223, effective March 11, 1987; amended at 11 111. Reg. 6228, effective March 20, 1987; amended at 11 111. Reg. 9927, effective May 15, 1987; amended at 11 111. Reg. 12003, effective November 1, 1987; emergency amendment at 11 111. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 111. Reg. 12908, effective July 30, 1987; emergency amendment at 11 111. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 111. Reg. 13625, effective August 1, 1987; amended at 11 111. Reg. 14755, effective August 26, 1987; amended at 11 111. Reg. 18679, effective November 1, 1987; emergency amendment at 11 111. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 111. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 111. Reg. 20610; amended at 11 111. Reg. 20889,

peremptory amendment at 5 111. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 111. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10131, effective October 1, 1981; amended at 5 111. Reg. 10730, effective October 1, 1981; amended at 5 111. Reg. 10733, effective October 1, 1981; amended at 5 111. Reg. 10760, effective October 1, 1981; amended at 5 111. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 111. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 111. Reg. 611, effective January 1, 1982; amended at 6 111. Reg. 1216, effective January 14, 1982; emergency amendment at 6 111. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 111. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 111. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 111. Reg. 6912, effective May 20, 1982; emergency amendment at 6 111. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 111. Reg. 8142, effective July 1, 1982; amended at 6 111. Reg. 8159, effective effective July 1, 1982; amended at 6 111. Reg. 10970, effective August 26, 1982; amended at 6 111. Reg. 11921, effective September 21, 1982; amended at 6 111. Reg. 12293, effective October 1, 1982; amended at 6 111. Reg. 12318, effective October 1, 1982; amended at 6 111. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 111. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 111. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 111. Reg. 5195; amended at 7 111. Reg. 11284, effective August 26, 1983; amended at 7 111. Reg. 13920, effective October 7, 1983; amended at 7 111. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 111. Reg. 16105; amended at 7 111. Reg. 17344, effective December 21, 1983; amended at 8 111. Reg. 213, effective December 27, 1983; emergency amendment at 8 111. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 111. Reg. 4176, effective March 19, 1984; amended at 8 111. Reg. 5207, effective April 9, 1984; amended at 8 111. Reg. 7226, effective May 16, 1984; amended at 8 111. Reg. 11391, effective June 27, 1984; amended at 8 111. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 111. Reg. 17894; peremptory amendment at 8 111.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART H: PAYMENT AMOUNTS

Section 112.252 Payment Levels in AFDC Group I Counties

- a) The following Payment Levels are established for the AFDC Program in Group I Counties.
- b) The counties included in Group I are:

Boone	Kane	Ogle		
Champaign	Kankakee	Whiteside		
Cook	Kendall	Winnebago		
DeKalb	Lake	Woodford		
DuPage	McHenry			

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRAND-FATHERED	CURRENT	GRAND-FATHERED
1	198	212	95	102
2	250	268	187	201

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.252 Payment Levels in AFDC Group I Counties (Cont'd)

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRAND-FATHERED	CURRENT	GRAND-FATHERED
3	342	367	232	249
4	386	414	297	319
5	452	485	353	379
6	507	545	379	407
7	534	574	408	438
8	562	604	437	469
9	591	635	468	503
10	623	669	501	538
11	656	705	536	576
12	690	741	572	614
13	727	781		
14	765	822		
15	806	866		
16	848	911		
17	893	959		
18	940	1010		

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$45 \$50.00 or \$35 \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.
- e) For assistance units which contain both caretaker relatives and children and which contain ~~seven-(7)~~ nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain ~~five-(5)~~ eight (8) or more persons, two payment levels are established - Current and Grandfathered.

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.253 Payments Levels in AFDC Group II Counties (Cont'd)

contain six (6) or more persons, two payment levels are established - Current and Grandfathered.

- 1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.
- 2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 14 Ill. Reg. 705, effective January 1, 1990)

Section 112.254 Payment Levels in AFDC Group III Counties

a) The following Payment Levels are established for the AFDC Program in Group III Counties.

b) The counties included in Group III are:

Alexander	Fayette	Lawrence	Richland
Bond	Franklin	Marion	Saline
Brown	Gallatin	Marshall	Schuyler
Calhoun	Greene	Mason	Scott
Cass	Hamilton	Massac	Shelby
Christian	Hancock	Menard	Stark
Clark	Hardin	Montgomery	Union
Clay	Henderson	Perry	Washington

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.254 Payment Levels in AFDC Group III Counties (Cont'd)

Crawford	Jasper	Pike	Wayne
Cumberland	Jefferson	Pope	White
Edgar	Jersey	Pulaski	Williamson
Edwards	Johnson	Randolph	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY		
	CURRENT	GRAND-FATHERED	CURRENT	GRAND-FATHERED	
1	161	173	88	94	
2	230	247	175	188	
3	316	339	221	237	
4	362	389	281	302	
5	422	453	334	359	
6	476	511	360	387	384
7	501	538	386	414	445
8	527	566	414	445	480
9	556	597	444	477	532
10	585	628	475	510	580
11	616	662	507	545	634
12	648	696	541	581	689
13	682	733			
14	718	771			
15	756	812			
16	796	855			
17	838	900			
18	882	948			

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$45 ~~\$48.00~~ or ~~\$35~~ ~~\$36.00~~ respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

Section 112.254 Payment Levels in APDC Group III Counties (Cont'd)

- e) For an assistance unit which contains both caretaker relative(s) and children and which contains (9) or more of eleven (11) persons, two payment levels are established - Current and Grandfathered. Payment for assistance units with children only and which contain six (6) or more persons, two payment levels are established - Current and Grandfathered.
- 1) Grandfathered payment levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that payment level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the current payment level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the current payment level for the appropriate family size. The department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.
- 2) Current payment levels are the regular payment levels used by the department shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: 1, 1990)

Amended at 14 Ill. Reg. 705, effective January

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Number: Adopted Action:

113.260 Amendment

4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)

5) Effective Date of Amendment: January 1, 1990

6) Does this rulemaking contain an automatic repeal date? Yes  No

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: January 1, 1990

9) Notice of proposal published in Illinois Register: September 15, 1989 (13 Ill. Reg. 14263)

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: No changes were made to the text of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Amendment replace an Emergency Amendment currently in effect? Yes

14) Are there any Amendments pending on this part? Yes

Section Numbers Proposed Action Illinois Register Citation

113.154 Amendment

December 8, 1989 (13 Ill. Reg. 19130)

113.155 New Section

December 8, 1989 (13 Ill. Reg. 19130)



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: This rulemaking increases sheltered care rates by \$3.00 per day.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Jesse B. Harris Bldg. II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113  
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income
113.109	Earned Income
113.110	Budgeting Earned Income
113.111	Protected Income
113.112	Earned Income
113.113	Budgeting Earned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 720, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PAYMENT AMOUNTS

Section 113.260

Sheltered Care Rates

Group II  
Counties

Needs  
Assessment

Group III  
Counties

\$495.30 586.55

0-7

\$507.30 598.55

500.30 591.55

8

513.30 604.55

505.30 596.55

9

519.30 610.55

510.30 601.55

10

525.30 616.55

515.30 606.55

11

531.30 622.55

520.30 611.55

12

537.30 628.55

525.30 616.55

13

543.30 634.55

530.30 621.55

14

549.30 640.55

535.30 626.55

15

555.30 646.55

540.30 631.55

16

561.30 651.55

545.30 636.55

17

567.30 657.55

550.30 641.55

18

573.30 663.55

555.30 646.55

19

579.30 669.55

560.30 651.55

20

585.30 675.33

565.30 656.55

21

591.30 681.55

570.30 661.55

22

597.30 687.55

575.30 666.55

23

603.30 693.55

580.30 671.55

24

609.30 699.55

a) Group II Counties are counties other than Cook, Dupage, Kane, Lake and Will.  
b) Group III Counties are Cook, Dupage, Kane, Lake and Will.

NOTICE OF ADOPTED AMENDMENT

Section 113.260 Sheltered Care Rates (Cont'd)

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 14 Ill. Reg. 720, effective January 1, 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: FOOD STAMPS
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:            Adopted Action:
- |        |           |
|--------|-----------|
| 121.19 | Amendment |
| 121.27 | Amendment |
| 121.31 | Amendment |
| 121.50 | Amendment |
| 121.70 | Amendment |
| 121.72 | Amendment |
- 4) Statutory Authority:
- 89 Ill. Adm. Code 121.19 and 121.27
- Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)
- 89 Ill. Adm. Code 121.50
- Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)
- 89 Ill. Adm. Code 121.31, 121.70 and 121.72
- Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)
- 5) Effective Date of Amendments: January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date?  
       \_\_\_ Yes          X   No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 1, 1990
- 9) Notice of Proposal Published in Illinois Register:
- 89 Ill. Adm. Code 121.19, 121.27, 121.31, 121.70, 121.72
- August 25, 1989 (13 Ill. Reg. 13503)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 89 Ill. Adm. Code 121.50
- September 22, 1989 (13 Ill. Reg. 14756)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: No changes were made to this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
- 89 Ill. Adm. Code 121.19 and 121.27
- This rulemaking provides that a household determined ineligible for food stamps due to the head of the household's voluntarily quitting a job, without good cause, may reestablish eligibility for food stamps if a new and eligible person joins the household and that person meets the definition of primary wage earner.
- 89 Ill. Adm. Code 121.50
- Pursuant to Section 402 of the Hunger Prevention Act (P.L. 100-435), this rulemaking excludes advance payments of the Earned Income Tax Credit from consideration in determining an individual's eligibility for Food Stamps.
- 89 Ill. Adm. Code 121.31, 121.70 and 121.72
- This rulemaking provides: (1) that adults and child(ren) in foster care are to be considered boarders and as such are not considered to be household members for food stamp purposes; and (2) that foster care payments are income to the foster care child(ren) and, therefore, cannot be included as income to the household caring for the child under 7 CFR 273.9 (b) (2) (ii) even if the payments are not made to the child(ren) but rather to the provider households. Hence, no portion of the foster care payments

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section

- 121.54 Earned Income In-Kind
- 121.55 Sponsors of Aliens
- 121.57 Assets
- 121.58 Exempt Assets
- 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

- 121.60 Net Monthly Income Eligibility Standards
- 121.61 Gross Monthly Income Eligibility Standards
- 121.62 Income Which Must Be Annualized
- 121.63 Deductions From Monthly Income
- 121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

- 121.70 Persons Who May Be Included in the Assistance Unit
- 121.71 Living Arrangement
- 121.72 Nonhousehold Members
- 121.73 Ineligible Household Members
- 121.74 Strikers
- 121.75 Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Restrospective Budgeting
- 121.93 Direct Mail Issuance of Food Stamp Coupons
- 121.94 Replacement of Food Stamp Coupons or ATP Documents
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section

- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section

- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill.

NOTICE OF ADOPTED AMENDMENTS

Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 1/2. Reg. 10, p. 253, effective February 27, 1980; amended at 4 1/2. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 1/2. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 1/2. Reg. 37, p. 797, effective September 2, 1980; amended at 4 1/2. Reg. 45, p. 134, effective October 17, 1980; amended at 5 1/2. Reg. 766, effective January 2, 1981; amended at 5 1/2. Reg. 1131, effective January 16, 1981; amended at 5 1/2. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 1/2. Reg. 5722, effective June 1, 1981; amended at 5 1/2. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective June 23, 1981; amended at 5 1/2. Reg. 10733, effective October 1, 1981; amended at 5 1/2. Reg. 12736, effective October 1, 1981; amended at 5 1/2. Reg. 1653, effective October 29, 1981; amended at 6 1/2. Reg. 1653, effective January 17, 1982; amended at 6 1/2. Reg. 2707, effective March 2, 1982; amended at 6 1/2. Reg. 8159, effective July 1, 1982; amended at 6 1/2. Reg. 10208, effective August 9, 1982; amended at 6 1/2. Reg. 11921, effective September 21, 1982; amended at 6 1/2. Reg. 12318, effective October 1, 1982; amended at 6 1/2. Reg. 13754, effective November 1, 1982; amended at 7 1/2. Reg. 394, effective January 1, 1983; codified at 7 1/2. Reg. 5195, amended at 7 1/2. Reg. 5715, effective May 1, 1983; amended at 7 1/2. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 1/2. Reg. 12899, effective October 1, 1983; amended at 7 1/2. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 1/2. Reg. 16067, effective November 18, 1983; amended at 7 1/2. Reg. 16169, effective November 22, 1983; amended at 8 1/2. Reg. 5673, effective April 18, 1984; amended at 8 1/2. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 1/2. Reg. 10086, effective July 1, 1984; amended at 8 1/2. Reg. 13284, effective July 16, 1984; amended at 8 1/2. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 1/2. Reg. 17898; peremptory amendment at 8 1/2. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 1/2. Reg. 22145, effective November 1, 1984; amended at 9 1/2. Reg. 302, effective January 1, 1985; amended at 9 1/2. Reg. 6804, effective May 1, 1985; amended at 9 1/2. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 1/2. Reg. 8898, effective July 1, 1985; amended at 9 1/2. Reg. 11334, effective July 8, 1985; amended at 9 1/2. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 1/2. Reg. 15582, effective October 1, 1985; amended at 9 1/2. Reg. 16889, effective October 16, 1985; amended at 9 1/2. Reg. 19726, effective December 9, 1985; amended at 10 1/2. Reg. 229, effective December 20, 1985; peremptory amendment at 10 1/2. Reg. 7387,

NOTICE OF ADOPTED AMENDMENTS

effective April 21, 1986; peremptory amendment at 10 1/2. Reg. 7941, effective May 1, 1986; amended at 10 1/2. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 1/2. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 1/2. Adm. Code 165 at 10 1/2. Reg. 21094; peremptory amendment at 11 1/2. Reg. 3761, effective February 11, 1987; emergency amendment at 11 1/2. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 1/2. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 1/2. Reg. 10269, effective May 22, 1987; amended at 11 1/2. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 1/2. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 1/2. Reg. 11855, effective June 30, 1987; emergency amendment at 11 1/2. Reg. 12043, effective July 6, 1987; amended at 11 1/2. Reg. 13635, effective August 1, 1987; amended at 11 1/2. Reg. 14022, effective August 10, 1987; emergency amendment at 11 1/2. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 1/2. Reg. 15480, effective September 4, 1987; amended at 11 1/2. Reg. 15634, effective September 11, 1987; amended at 11 1/2. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 1/2. Reg. 18374, effective October 30, 1987; amended at 12 1/2. Reg. 877, effective December 30, 1987; emergency amendment at 12 1/2. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 1/2. Reg. 4204, effective February 5, 1988; amended at 12 1/2. Reg. 9678, effective May 23, 1988; amended at 12 1/2. Reg. 9922, effective June 1, 1988; amended at 12 1/2. Reg. 11463, effective June 30, 1988; amended at 12 1/2. Reg. 12824, effective July 22, 1988; emergency amendment at 12 1/2. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 1/2. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 1/2. Reg. 16271, effective October 1, 1988, amended at 12 1/2. Reg. 20161, effective November 30, 1988; amended at 13 1/2. Reg. 3890, effective March 10, 1989; amended at 13 1/2. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 1/2. Reg. 15859, effective October 1, 1989; amended at 14 1/2. Reg. 729, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.19 Ending a Voluntary Quit Disqualification

a) Following the end of the disqualification period,



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 121.19 Ending a Voluntary Quit Disqualification  
(Cont'd)

household may begin participation if it applies again and is determined eligible.

- b) Eligibility may be re-established during the disqualification period if the member who caused the disqualification:
- 1) secures new employment comparable in salary or hours to the job which was quit (i.e., the new employment does not result in increased household need for food stamps), or
  - 2) leaves the household, or
  - 3) becomes exempt from work registration requirements (see Section 121.24) for reasons other than participation in Project Chance (see 89 Ill. Adm. Code 112.70 - 112.82) or receipt of Unemployment Insurance (UI), or
  - 4) a new and eligible person joins the household and that person meets the definition of primary wage earner (see Section 121.27).
- c) If the individual who caused the disqualification joins another household and is primary wage earner or is designated as head of that household, the new household is ineligible for the balance of the period of ineligibility.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

## Section 121.27 Voluntary Job Quit

- a) If within 60 days before the date of initial application, the primary wage earner of the food stamp household has, without good cause voluntarily quit his/her ~~most-recent~~ job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.
- b) If the primary wage earner or designated head of household if there is no primary wage earner of a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 121.27 Voluntary Job Quit (Cont'd)

participating Food Stamp household has, without good cause, voluntarily quit his/her ~~most-recent~~ job, the entire household is ineligible for Food Stamp benefits for three (3) fiscal months (see 89 Ill. Adm. Code 101.20).

- c) Primary Wage Earner: The household member who has been earning the most money to support the household in the two months prior to the month of the quit. It need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the federal minimum wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent registration because the individual:
  - 1) is subject to and participating in Project Chance under AFDC requirements;
  - 2) receives or is expected to receive Unemployment Insurance Benefits; or
  - 3) is employed or self employed and working a minimum of ~~thirty~~ thirty (30) hours per week or receives earning equal to or greater than 30 times the Federal Minimum Wage.
- d) A Federal, State or local government employee who participates in a strike against such government and is dismissed from his/her job because of participation in the strike, is considered to have voluntarily quit his/her job without good cause.
- e) If the household provides questionable information (that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether or not the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 121.31 Exempt Unearned Income (Cont'd)

payments are made to the provider household rather than to the adult or child(ren) in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household.

- h) Income of nonhousehold members except for those who have been disqualified for fraud or intentional program violation, for failure to meet the social security number requirements, because of ineligible alien status, or due to questionable citizenship status.
- i) Payments to volunteers under the Domestic Volunteer Service Act (42 U.S.C. 4951-4993) (VISTA) are exempt only if the individual:
  - 1) was receiving food stamps or public assistance at the time he/she joined VISTA, and/or
  - 2) was receiving an exempted VISTA payment, or other subsistence payments under Title I of the Domestic Volunteer Services Act, prior to 3/1/79 March 1, 1979 and the volunteer contract in effect 3/1/79 March 1, 1979 has not expired.
- j) Income received from the disposition of funds to the Grand River Band of Ottawa Indians.
- k) Any income specifically excluded by any Federal statute from income consideration for food stamp purposes.
  - 1) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 U.S.C. 1501 - 1781).
- m) Portions of cash assistance payments designated as being for the purpose of energy assistance.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.50 Exempt Earned Income

- a) The earned income of a child residing in the household who is under 18 years of age and who is attending at least half time (as defined by the institution) a kindergarten or pre-school, a grade school, high school, vocational school, technical school, training program, college or university shall be exempt. The exemption of this income shall not be altered by temporary interruptions in school attendance such as semester or summer vacations, provided the child's enrollment will resume following the break.
- b) This exemption shall not apply to any training allowances or educational grants received by the child.
- c) This exemption shall not apply if the student is an emancipated minor or living alone.
- d) Earnings from employment through the Jobs Training Partnership Act if the individual is under age nineteen (19) and under the parental control of another adult household member. "Parental control" refers to an adult who has responsibility for the well-being, care and maintenance of a child.
- e) Advance payments of the Earned Income Tax Credit.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

## SUBPART E: HOUSEHOLD CONCEPT

## Section 121.70 Persons Who May Be Included In the Assistance Unit

- a) The food stamp unit shall contain all members of the household. For food stamp purposes, the definition of household is:
  - 1) An individual living alone;
  - 2) An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

NOTICE OF ADOPTED AMENDMENTS

Section 121.70 Persons who May Be Included in the Assistance Unit (Cont'd)

2) Either parents living with their children of any age or children of any age living with their parents unless:

A) at least one parent is elderly or disabled as described in Section 121.61 and is purchasing food and preparing meals separately; or

B) at least one parent is an elderly disabled person as defined in subsection (a)(4) above; or

C) the child is a parent with minor children and the parent and minor children purchase and prepare meals separately from the children's grandparent(s).

3) A spouse of a member of the household; or

4) Siblings, (natural, adopted, half or stepbrothers and sisters) of any age, who are living together, unless at least one sibling is:

A) elderly or disabled as described in Section 121.61 and is purchasing food and preparing meals separately; or

B) an elderly disabled person as described in this section; or

C) a parent with minor children and the parent and minor children purchase and prepare meals separately from the parent's sibling.

5) A boarder. Adults and children in foster care are considered boarders and are not required to be considered household members. Boarder status can be granted to children under the age of eighteen (18) who are under the parental control of an adult household member.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

NOTICE OF ADOPTED AMENDMENTS

Section 121.70 Persons who May Be Included in the Assistance Unit (Cont'd)

3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption?

4) An individual and his/her spouse (if present),

who lives with others and is 60 years of age or older, and is unable to buy food and prepare meals because he/she suffers from a disability that is considered permanent under the Social Security Act (as determined by a statement from the Social Security Administration or a physician (Medical Practice Act of 1987, 111. Rev. Stat. 1985 1987, ch. 111, par. 4401 4400-1 et seq.), or a licensed or certified psychologist

(Psychologist Registration Act, 111. Rev. Stat. 1985 1987, ch. 111, par. 5301 et seq.), or if the caseworker (e.g., permanent loss of use of both hands), or he/she suffers from a non-disease related severe, permanent disability, and if the gross non-exempt income of the other individuals with whom the elderly disabled individual (and spouse) is living with is not more than 165 percent of the poverty level. A "non-disease related severe, permanent disability" is a

disability that may or may not be listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)), but which prevents the individual from purchasing and preparing his own meals as observed by the caseworker, or verified by a statement from a physician (Medical Practice Act of 1987, 111. Rev. Stat. 1985 1987, ch. 111, par. 4401 4400-1 et seq.) a licensed or certified psychologist (Psychologist Registration Act, 111. Rev. Stat. 1985 1987, ch. 111, par. 5301 et seq.)

For information on "non-exempt gross income", see Sections 121.30 through 121.34, 121.40, and 121.50 through 121.55.

b) In no event shall separate household status be granted to:

1) Any person except foster children, under 18 years of age under the parental control of an adult member of the household.

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NOTICE OF ADOPTED AMENDMENTS

Section 121.72 Nonhousehold Members

Any of the following persons who reside with a food stamp household shall not be considered household members, but such persons may, if otherwise eligible, participate in the program as separate households:

- a) Roomers--Individuals to whom a household furnishes lodging, but not meals, for compensation;
- b) Live-in-attendants--Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services;
- c) Students who fail to meet student eligibility requirements in Section 121.75; and
- d) Individuals disqualified for non-compliance with work registration requirements of Section 121.23.
- e) Other--Individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. This does not include individuals under eighteen years of age, except foster children, who are under the parental control of a household member, siblings, a spouse of a household member, or parents and children of any age living together unless:
  - 1) at least one parent or sibling, meets the definition of a qualifying member as defined in Section 121.61 and purchases food and prepares meals separately; or
  - 2) is an elderly disabled person as defined in Section 121.70; or
  - 3) is a parent with minor children living with a parent and/or sibling and purchases and prepares meals separately as defined in Section 121.70.

(Source: Amended at 14 Ill. Reg. 729, effective January 1, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: GENERAL ASSISTANCE  
Code Citation: 89 Ill. Adm. Code 114
  - 3) Section Numbers:            Adopted Action:  
114.351                            Amendment  
114.352                            Amendment  
114.353                            Amendment
  - 4) Statutory Authority: Sections 6-2 and 12-4.11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-2 and 12-4.11)
  - 5) Effective Date of Proposed Amendments: January 1, 1990
  - 6) Does this rulemaking contain an automatic repeal date?  
\_\_\_\_ Yes    X No
  - 7) Do these Proposed Amendments contain incorporations by reference? No
  - 8) Date Filed in Agency's Principal Office: January 1, 1990
  - 9) Notices of Proposal Published in Illinois Register:  
September 22, 1989 (13 Ill. Reg. 14764)
  - 10) Has JCAR issued a Statement of Objections to these amendments? No
  - 11) Differences between proposal and final version: No changes were made to the text of the amendment.
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
  - 14) Are there any Amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u>        |
|------------------------|------------------------|--|
| 114.130                | Amendment              | October 27, 1989<br>(13 Ill. Reg. 16691) |

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section

- 114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
- 114.121 Persons Required to Participate in Employment and Training
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
- 114.124 Employment and Training Participation/Cooperation Requirements
- 114.125 Employment and Training Program Orientation
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan
- 114.127 Employment and Training Program Components
- 114.128 Employment and Training Sanctions
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements
- 114.130 Employment and Training Supportive Services
- 114.140 Employment Child Care

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income
- 114.210 Exempt Unearned Income
- 114.220 Education Benefits
- 114.221 Unearned Income In-Kind
- 114.222 Earmarked Income
- 114.223 Lump Sum Payments
- 114.224 Protected Income
- 114.225 Earned Income
- 114.226 Budgeting Earned Income
- 114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 114.228 Initial Employment
- 114.229 Termination of Employment
- 114.230 Exempt Earned Income
- 114.235 Recognized Employment Expenses
- 114.240 Income From Work/Study/Training Program (Repealed)
- 114.241 Earned Income From Self-Employment

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section

- 114.242 Earned Income From Roomer and Boarder
- 114.243 Earned Income From Rental Property
- 114.244 Earned Income In-Kind
- 114.245 Payments from the Illinois Department of Children and Family Services
- 114.246 Budgeting Earned Income For Contractual Employees
- 114.247 Budgeting Earned Income For Non-contractual School Employees
- 114.250 Assets
- 114.251 Exempt Assets
- 114.252 Asset Disregards
- 114.260 Deferral of Consideration of Assets (Repealed)
- 114.270 Property Transfers
- 114.280 Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

## Section

- 114.350 Payment Levels for General Assistance
- 114.351 Payment Levels in Group I Counties
- 114.352 Payment Levels in Group II Counties
- 114.353 Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

## Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations
- 114.403 Institutional Status
- 114.404 Retrospective Budgeting
- 114.405 Budgeting Schedule
- 114.420 Redetermination of Eligibility
- 114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

## NOTICE OF ADOPTED AMENDMENTS

November 1, 1978; emergency amendment at 3 111. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 111. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 111. 33, p. 399, effective August 18, 1979; amendment at 3 111. Reg. 33, p. 415, effective August 18, 1979; amended at 3 111. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 111. Reg. 38, p. 321, effective September 7, 1979; amended at 3 111. Reg. 40, p. 140, effective October 6, 1979; amended at 3 111. Reg. 46, p. 36, effective November 2, 1979; amended at 3 111. Reg. 47, p. 96, effective November 13, 1979; amended at 3 111. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 111. Reg. 9, p. 259, effective February 22, 1980; amended at 4 111. Reg. 10, p. 258, effective February 25, 1980; amended at 4 111. Reg. 12, p. 551, effective March 10, 1980; amended at 4 111. Reg. 27, p. 387, effective June 24, 1980; amended at 4 111. Reg. 29, p. 294, effective 1980; emergency amendment at 4 111. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 111. Reg. 37, p. 797, effective September 2, 1980; amended at 4 111. Reg. 37, p. 800, effective September 2, 1980; amended at 4 111. Reg. 45, p. 134, effective October 27, 1980; amended at 5 111. Reg. 766, effective January 2, 1981; amended at 5 111. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 111. Reg. 5722, effective June 1, 1981; amended at 5 111. Reg. 7071, effective June 23, 1981; amended at 5 111. Reg. 7104, effective June 23, 1981; amended at 5 111. Reg. 8041, effective July 27, 1981; amended at 5 111. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 111. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 111. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10131, effective October 1, 1981; amended at 5 111. Reg. 10730, effective October 1, 1981; amended at 5 111. Reg. 10733, effective October 1, 1981; amended at 5 111. Reg. 10760, effective October 1, 1981; amended at 5 111. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 111. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 111. Reg. 611, effective January 1, 1982; amended at 6 111. Reg. 1216, effective January 14, 1982; emergency amendment at 6 111. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 111. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 111. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 111. Reg. 6912, effective May 20, 1982; emergency amendment at 6 111. Reg. 7299, effective June

## NOTICE OF ADOPTED AMENDMENTS

2, 1982, for a maximum of 150 days; amended at 6 111. Reg. 8115, effective July 1, 1982; amended at 6 111. Reg. 8142, effective July 1, 1982; amended at 6 111. Reg. 10970, effective August 26, 1982; amended at 6 111. Reg. 11921, effective September 21, 1982; amended at 6 111. Reg. 12293, effective October 1, 1982; amended at 6 111. Reg. 12318, effective October 1, 1982; amended at 6 111. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 111. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 111. Reg. 5195; amended at 7 111. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 111. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 111. Reg. 16107; amended at 7 111. Reg. 16408, effective November 30, 1983; amended at 7 111. Reg. 16652, effective December 1, 1983; amended at 8 111. Reg. 243, effective December 27, 1983; amended at 8 111. Reg. 5233, effective April 9, 1984; amended at 8 111. Reg. 6764, effective April 27, 1984; amended at 8 111. Reg. 11435, effective June 16, 1984; amended at 8 111. Reg. 13319, effective July 16, 1984; amended at 8 111. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 111. Reg. 17896; amended at 9 111. Reg. 314, effective January 1, 1985; emergency amendment at 9 111. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 111. Reg. 9557, effective June 5, 1985; amended at 9 111. Reg. 10764, effective July 5, 1985; amended at 9 111. Reg. 15800, effective October 16, 1985; amended at 10 111. Reg. 1924, effective January 17, 1986; amended at 10 111. Reg. 3660, effective January 30, 1986; emergency amendment at 10 111. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 111. Reg. 4896, effective March 7, 1986; amended at 10 111. Reg. 10681, effective June 3, 1986; amended at 10 111. Reg. 11041, effective June 5, 1986; amended at 10 111. Reg. 12662, effective July 14, 1986; amended at 10 111. Reg. 15118, effective September 5, 1986; amended at 10 111. Reg. 15640, effective September 19, 1986; amended at 10 111. Reg. 19079, effective October 24, 1986; amended at 11 111. Reg. 2307, effective January 16, 1987; amended at 11 111. Reg. 5297, effective March 11, 1987; amended at 11 111. Reg. 6238, effective March 20, 1987; emergency amendment at 11 111. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 111. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 111. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 111. Reg. 18689, effective November 1, 1987; emergency amendment at 11 111. Reg. 18791, effective



NOTICE OF ADOPTED AMENDMENTS

November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART F: PAYMENT AMOUNTS

Section 114.351 Payment Levels in Group I Counties

a) The following payment levels are established for the GA Program in Group I Counties.

b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
DuPage	McHenry	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	CHILD(REN) ONLY
-------------------------	--------------------------------------	-----------------

NOTICE OF ADOPTED AMENDMENTS

Section 114.351 Payment Levels in Group I Counties (Cont'd)

	CURRENT	GRAND-FATHERED	CURRENT	GRAND-FATHERED	
1	154	165	95	102	
2	250	268	187	201	
3	342	367	232	249	
4	386	414	297	319	
5	452	485	353	379	354
6	507	545	379	407	417
7	534	574	408	438	479
8	562	604	437	469	511
9	591	635	468	503	571
10	623	669	501	538	622
11	656	705	536	576	674
12	690	741	572	614	735
13	727	781			
14	765	822			
15	806	866			
16	848	911	1038		
17	893	959	1094		
18	940	1010	1150		

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding ~~\$45~~ \$50.00 or ~~\$35~~ \$38.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$10 of the GA Payment Level, in the City of Chicago and, for Caretaker Relatives and Children, Family size of 1, and the first \$18 of the GA Payment Level for Caretaker Relatives and Children of other family sizes has been designated as being for the purpose of energy assistance.

e) For assistance units which contain both caretaker relatives and children and which contain ~~seven-(7)~~ nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 114.352 Payment Levels in Group II Counties (Cont'd)

Family size of 1, and the first \$18 of the GA Payment Level for Caretaker Relatives and Children of other family sizes has been designated as being for the purpose of energy assistance.

- e) For assistance units which contain both caretaker relatives and children and which contain ~~seven-(7)~~ nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain six (6) or more persons, two payment levels are established - Current and Grandfathered.
  - 1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.
  - 2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 14 Ill. Reg. 746, effective January 1, 1990)

Section 114.353 Payment Levels in Group III Counties

- a) The following payment level are established for the GA Program in Group III Counties.
- b) The counties included in Group III are:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 114.353 Payment Levels in Group III Counties (Cont'd)

Alexander	Edgar	Jasper	Montgomery	Shelby
Bond	Edwards	Jefferson	Perry	Stark
Brown	Fayette	Jersey	Pike	Union
Calhoun	Franklin	Johnson	Pope	Washington
Cass	Gallatin	Lawrence	Pulaski	Wayne
Christian	Greene	Marion	Randolph	White
Clark	Hamilton	Marshall	Richland	Williamson
Clay	Hancock	Mason	Saline	
Crawford	Hardin	Massac	Schuyler	
Cumberland		Henderson	Menard	Scott

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY			
	CURRENT	GRAND-FATHERED	CURRENT	GRAND-FATHERED		
1	144	154	88	94		
2	230	247	175	188		
3	316	339	221	237		
4	362	389	281	302		
5	422	453	334	359		
6	476	511	360	387	384	
7	501	538	386	414	445	
8	527	566	414	445	480	
9	556	597	581	444	477	532
10	585	628	627	475	510	580
11	616	662	684	507	545	634
12		696			581	
13	682	733	791			
14	718	771	843			
15	756	812	899			
16	796	855	951			
17	838	900	1005			
18	882	948	1058			

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$45 ~~\$48.00~~ or ~~\$35.~~ \$36.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the GA program should contain amounts for the purpose

Section 114.353 Payment Levels in Group III Counties (Cont'd)

of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the GA Payment Level for Caretaker Relatives and Children of all family sizes except the family size of 1 has been designated as being for the purpose of energy assistance.

e) For an assistance unit which contains both caretaker relative(s) and children and which contains (9) or more of eleven (11) persons, two payment levels are established - Current and Grandfathered. --  
established - Current and Grandfathered. --  
for assistance units with children only and which contain six (6) or more persons, two payment levels are established --  
are established -- Current and Grandfathered --

1) Grandfathered payment levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that payment level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 14 Ill. Reg. 746, effective January 1, 1990)

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

120.20 Amendment  
120.30 Amendment

4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 12-13)

5) Effective Date of Proposed Amendments: January 1, 1990

6) Does this rulemaking contain an automatic repeal date? Yes  No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 1, 1990

9) Notice(s) of Proposal Published in Illinois Register: September 22, 1989 (13 Ill. Reg. 14778)

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes. In addition to the following proposed amendments pending on this Part, there is still an emergency amendment in effect on Section 120.20 which is not affected by this set of amendments. The emergency amendment appears at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days. The copies filed in the Administrative Code

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Division reflect both the emergency amendment and this amendment.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.10	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.20	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.60	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.61	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.61	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.62	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.63	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.284	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.285	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.379	New Section	December 8, 1989 (13 Ill. Reg. 19157)
120.384	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.385	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.386	New Section	December 8, 1989 (13 Ill. Reg. 19157)
120.390	Amendment	November 10, 1989 (13 Ill. Reg. 17229)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: This rulemaking increases the MANG Standard to coincide with the increase in the Aid To Families With Dependent Children payment levels. Interested parties should see 89 Ill. Adm. Code 112 in this issue of the Illinois Register.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East  
Springfield, Illinois 62762

Telephone: (217) 782/1233

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

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 120.276 Payments from the Illinois Department of Children and Family Services
- 120.280 Assets
- 120.281 Exempt Assets
- 120.282 Asset Disregards
- 120.283 Deferral of Consideration of Assets
- 120.285 Property Transfers
- 120.290 Persons Who May Be Included in the Assistance Unit
- 120.295 Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

- Section
- 120.308 Client Cooperation
- 120.309 Caretaker Relative
- 120.310 Citizenship
- 120.311 Residence
- 120.312 Age
- 120.313 Blind
- 120.314 Disabled
- 120.315 Relationship
- 120.316 Living Arrangements
- 120.317 Supplemental Payments
- 120.318 Institutional Status
- 120.319 Assignment of Rights to Medical Support and Collection of Payment
- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Foster Care Program
- 120.325 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
- 120.395 Payment Levels for MANG
- 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979,

## NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; amended at 3 ILL. Reg. 33, p. 399, effective August 18, 1979; amended at 3 ILL. Reg. 33, p. 415, effective August 18, 1979; amended at 3 ILL. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 ILL. Reg. 38, p. 321, effective September 7, 1979; amended at 3 ILL. Reg. 40, p. 140, effective October 6, 1979; amended at 3 ILL. Reg. 46, p. 36, effective November 2, 1979; amended at 3 ILL. Reg. 47, p. 96, effective November 13, 1979; amended at 3 ILL. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 ILL. Reg. 9, p. 259, effective February 22, 1980; amended at 4 ILL. Reg. 10, p. 258, effective February 25, 1980; amended at 4 ILL. Reg. 12, p. 551, effective March 10, 1980; amended at 4 ILL. Reg. 27, p. 387, effective June 24, 1980; amended at 4 ILL. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 ILL. Reg. 37, p. 797, effective September 2, 1980; amended at 4 ILL. Reg. 37, p. 800, effective September 2, 1980; amended at 4 ILL. Reg. 45, p. 134, effective October 27, 1980; amended at 5 ILL. Reg. 766, effective January 2, 1981; amended at 5 ILL. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 ILL. Reg. 5722, effective June 1, 1981; amended at 5 ILL. Reg. 7071, effective June 23, 1981; amended at 5 ILL. Reg. 7104, effective June 23, 1981; amended at 5 ILL. Reg. 8041 effective July 27, 1981; amended at 5 ILL. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 ILL. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 ILL. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 111. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10730, effective October 1, 1981; amended at 5 ILL. Reg. 10733, effective October 1, 1981; amended at 5 ILL. Reg. 10760, effective October 1, 1981; amended at 5 ILL. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 ILL. Reg. 611, effective January 1, 1982; amended at 6 ILL. Reg. 1216, effective January 14, 1982; emergency amendment at 6 ILL. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 ILL. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 ILL. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 ILL. Reg. 6912, effective May 20, 1982; emergency amendment at 6 ILL. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 ILL. Reg. 8142, 8115, effective July 1, 1982; amended at 6 ILL. Reg. 8159, effective effective July 1, 1982; amended at 6 ILL. Reg. 8159, effective

## NOTICE OF ADOPTED AMENDMENTS

July 1, 1982; amended at 6 ILL. Reg. 10970, effective August 26, 1982; amended at 6 ILL. Reg. 11921, effective September 21, 1982; amended at 6 ILL. Reg. 12293, effective October 1, 1982; amended at 6 ILL. Reg. 12318, effective October 1, 1982; amended at 6 ILL. Reg. 13754, effective November 1, 1982; amended at 7 ILL. Reg. 394, effective January 1, 1983; codified at 7 ILL. Reg. 6082; amended at 7 ILL. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 ILL. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 ILL. Reg. 16108; amended at 8 ILL. Reg. 5253, effective April 9, 1984; amended at 8 ILL. Reg. 6770, effective April 27, 1984; amended at 8 ILL. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 ILL. Reg. 17897; amended at 8 ILL. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 ILL. Reg. 20706, effective October 3, 1984; amended at 8 ILL. Reg. 25053, effective October 12, 1984; amended at 8 ILL. Reg. 25053, effective December 12, 1984; emergency amendment at 9 ILL. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 ILL. Reg. 4515, effective March 25, 1985; amended at 9 ILL. Reg. 5346, effective April 11, 1985; amended at 9 ILL. Reg. 7153, effective May 6, 1985; amended at 9 ILL. Reg. 11346, effective July 8, 1985; amended at 9 ILL. Reg. 12298, effective July 25, 1985; amended at 9 ILL. Reg. 12823, effective August 9, 1985; amended at 9 ILL. Reg. 15903, effective October 4, 1985; amended at 9 ILL. Reg. 16300, effective October 10, 1985; amended at 9 ILL. Reg. 16906, effective October 18, 1985; amended at 10 ILL. Reg. 1192, effective January 10, 1986; amended at 10 ILL. Reg. 3033, effective January 23, 1986; amended at 10 ILL. Reg. 4907, effective March 7, 1986; amended at 10 ILL. Reg. 6966, effective April 16, 1986; amended at 10 ILL. Reg. 10688, effective June 3, 1986; amended at 10 ILL. Reg. 12672, effective July 14, 1986; amended at 10 ILL. Reg. 15649, effective September 19, 1986; amended at 11 ILL. Reg. 3992, effective February 23, 1987; amended at 11 ILL. Reg. 7652, effective April 15, 1987; amended at 11 ILL. Reg. 8735, effective April 20, 1987; emergency amendment at 11 ILL. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 ILL. Reg. 14034, effective August 14, 1987; amended at 11 ILL. Reg. 14763, effective August 26, 1987; amended at 11 ILL. Reg. 20142, effective January 1, 1988; amended at 11 ILL. Reg. 20898, effective December 14, 1987; amended at 12 ILL. Reg. 904, effective January 1, 1988; amended at 12 ILL. Reg. 3516, effective January 22, 1988; amended at 12 ILL. Reg. 6234, effective March 22, 1988; amended at 12 ILL. Reg. 8672, effective May 13, 1988; amended at 12



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

AGENCY NOTE: The text of Section 120.20 which appear below does not include the emergency amendment adopted at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days. The copies filed with the Administrative Code Division reflect both the emergency amendment and this amendment.

SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANG(AABD) Income Standard

Number In Family	Monthly Net Income
1	267 283
2	333 358
3	458 492
4	517 558
5	608 650
6	683 733
7	717 767
8	750 808

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.20 MANG(AABD) Income Standard (Cont'd)

9	792 850
10	833 900
11	875 942
12	925 992
13	975 1042
14	1025 1100
15	1075 1158
16	1133 1217
17	1192 1283
18	1258 1350

- a) If the above number in the household exceeds the number provided above, add ~~\$66~~ \$67.00 for each additional person.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) Income Standard.
- c) The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home of facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG (AABD) Standard are considered available for payment for medical care not provided in the facility.
- d) MANG
  - 1) A recipient residing in a DMHDD facility is allowed \$30.00 per month in lieu of any other MANG standard.
  - 2) As soon as MANG (AABD) clients become residents of a DMHDD facility, a Skilled Nursing Facility, an Intermediate Care Facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.

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DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: REFUGEE/ENTRANT/REPATRIATE PROGRAM
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Section Number:            Adopted Action:  
115.10                            Amendment
- 4) Statutory Authority: Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)
- 5) Effective Date of Amendment: January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date?  
 Yes     No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 1, 1990
- 9) Notice of Proposal Published in Illinois Register:  
September 22, 1989 (13 Ill. Reg. 14790)
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: No changes were made to this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking increases the Refugee Assistance payment level by 7.5%, effective January 1, 1990. Interested parties should also see 89 Ill. Adm. Code 112, 114 and 120 in this issue of the Illinois Register.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENT

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

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

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 115

REFUGEE/ENTRANT/REPATRIATE PROGRAM

Section

115.1	Incorporation By Reference
115.10	General Provisions
115.20	The Cuban Phasedown Program (Repealed)
115.30	The Refugee Resettlement Program
115.32	Refugee Resettlement Program: Application for Assistance
115.33	Refugee Resettlement Program: Furnishing of Social Security Numbers (SSN)
115.34	Refugee Resettlement Program: Work Registration/Participation Requirements
115.36	Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37	Refugee Resettlement Program: Counseling (Repealed)
115.38	Refugee Resettlement Program: Sanctions for Failure to Cooperate with Work Requirements
115.39	Refugee Resettlement Program: Good Cause for Failure to Cooperate
115.40	The Cuban/Haitian/Entrant Program (Status Pending) to Cooperate
115.50	The Repatriate Program
115.60	Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.5, 12-4.6 and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990.

NOTICE OF ADOPTED AMENDMENT

Section 115.10 General Provisions

a) The Department administers the Refugee Resettlement Program (RRP), the Cuban/Haitian Entrant (Status Pending) Program (CHRP), and the Repatriate Program in Illinois.

b) For the Refugee Resettlement Program and the Cuban/Haitian Entrant (Status Pending) Program, assistance shall be authorized on the basis of the Aid to Families with Dependent Children (AFDC) Payment Level. The following case compositions define the level of issuance:

- 1) Single Adult (age 18 or older).
- 2) Family cases must include at least one eligible child. Only the following adults may be included:
  - A) A specified relative of the child and the spouse of the specified relative; or
  - B) The legal guardian of child and the spouse of the legal guardian; or
  - C) The unrelated caretaker of a child and the spouse of the unrelated caretaker.

c) Resources to be considered in all situations are those immediately available for use at the time financial assistance is needed. Available resources are to be considered when they are in existence, the value is ascertainable, they are under the control of the recipient, and can be drawn upon for maintenance.

d) For the Refugee Resettlement Program assistance may not ordinarily be furnished for more than 12 months after the date of entry. The Cuban/Haitian Entrant (Status Pending) Program is limited to 12 months after the specific date.

e) The following provisions are applicable to the RRP and CHRP programs:

- 1) To be eligible for RRP and CHRP, a family or individual(s) must be ineligible for categorical assistance (AFDC, Aid to the Aged, Blind or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## Section 115.10 General Provisions (Cont'd)

Disabled (AABD), and related Medical Assistance No Grant (MANG) programs);

- 2) The individuals must avail themselves of all potential resources including application for and acceptance of Supplemental Security Income (SSI) and categorical assistance; and
- 3) The following provisions of the AFDC program (See 89 Ill. Adm. Code 112) are applicable to the RRP:
  - A) Client and Department rights and responsibilities. Refugees or parolees who are potentially eligible for SSI must apply for SSI.
  - B) Application for assistance (not eligible for \$100 compensatory payment or Presumptive Eligibility (PE) authorization. All refugees over 18 years of age must sign the application.
  - C) Citizenship.
  - D) Residence. Temporary absence from the home does not apply to RRP.
  - E) Client Cooperation.
  - F) Furnishing of Social Security Numbers
  - G) Registration/Participation requirements.
  - H) Assets.
  - I) Income. All non-exempt income, including income from the Voluntary Sponsoring Agency (VOLAG) must be budgeted. The earned income exemption (\$30 + 1/3 does not apply).
  - J) Support from responsible relatives (Non-Title IV-D (42 U.S.C. 651 et seq.) provisions).
  - K) Personal Injury.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## Section 115.10 General Provisions (Cont'd)

- L) Other financial benefits (i.e., the child care for work and training and other benefits described in 89 Ill. Adm. Code 112.308).

## M) Standards:

For a single adult case, the following payment levels apply:

- i) Group I Counties  
~~\$6.60-daily~~                      \$198.00-monthly  
\$212.00 monthly
- ii) Group II Counties  
~~\$6.33-daily~~                      \$190.00-monthly  
\$204.00 monthly
- iii) Group III Counties  
~~\$5.37-daily~~                      \$161.00-monthly  
\$173.00 monthly

## N) Special authorizations.

- O) Medical Assistance standard (use the MANG(C) standard if Medical Assistance only is authorized; for a household of one, the Medical-Only Standard is ~~\$267~~ \$283/month).

## P) Redetermination of Eligibility:

- i) Monthly reporting does not apply to RRP.
- ii) Refugee recipients are not included in central redeterminations.
- iii) The Department must contact the VOLAG (See Section 115.32 for information to request).

## Q) Case Records.

## R) Medical Services.

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
117.20	Amendment	November 10, 1989 (13 Ill. Reg. 17241)

15) Summary and Purpose of Amendments: This rulemaking increases the maximum allowance for funeral and burial expenses in accordance with Senate Bill 1008. This rulemaking also provides: (1) the maximum payment for Demonstrator cases; (2) provides for additional approval of certain transportation expenses; and (3) permits a non-responsible relative or organization to purchase a vault and/or casket and the purchase of such will not affect the Department's Vendor payment.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117  
RELATED PROGRAM PROVISIONS

<u>Section</u>	<u>Description</u>
117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13).

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

DEPARTMENT OF PUBLIC AID NOTICE OF ADOPTED AMENDMENTS

Section 117.50 Funerals and Burials

a) Funeral and burial services shall be provided eligible deceased individuals in accordance with Department standards.

b) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent, based on the decedent's age, is:

- 1) \$600 \$630 for an adult, or child 5 years of age or older
- 2) \$375 \$394 for a child between the age of 3 months and 5 years
- 3) \$300 \$315 for a child under 3 months of age or stillborn.

c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$300 \$315.

d) When there is no hospital facility for disposal of amputated limbs by cremation, or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.

e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.

f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$90 for the funeral home services and \$50 for a memorial service held in the funeral home. In an Anatomical Gift case the body has been donated for scientific study.

(Source: Amended at 14 Ill. Reg. 780, effective January 1, 1990)

Section 117.51 Funeral Home Services

a) Complete preparation and preservation of the body, Casket,

c) Seized Outside box,

DEPARTMENT OF PUBLIC AID NOTICE OF ADOPTED AMENDMENTS

Section 117.51 Funeral Home Services (Cont'd)

d) Customary local transportation of the body, Use of funeral home and of all customary facilities and appointments thereof,

e) Arrangements for religious services, if requested, Appropriate dress, suit, or shroud, if necessary,

h) Grave services, if customarily provided.

i) Additional services shall be approved in the following situations:

1) Based on documentation (e.g., copy of the decedent's death certificate, coroner's report, physician's report or fire report) provided by the funeral home that circumstances of the decedent's death demand special burial requirements.

2) An oversize casket is required. Prior approval is required for additional payment for an oversize casket. A request for payment for an oversize casket will be granted only if the funeral home establishes and documents (e.g., copy of the decedent's death certificate, coroner's report, physician's report, physician's report or fire report) the need for an oversize casket.

3) Transportation outside a twenty mile radius is allowed at a rate of fifty cents per additional mile:

A) For out of state burials to a maximum of \$50;

B) For intrastate burials the cost of excess transportation combined with actual cemetery charges cannot exceed the maximum burial allowance;

C) For Anatomical Gift cases fifty cents per additional mile will be allowed; and



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 117.51 Funeral Home Services (Cont'd)

D) no additional transportation charges are allowed for cremation cases.

(Source: Amended at 14 Ill. Reg. 780, effective January 1, 1990)

Section 117.53 Payment to Vendor(s)

a) If no person has agreed to pay the total cost of funeral and burial charges, the Department will pay the vendor the actual costs of the funeral or burial, or the maximum allowable amount for each service, whichever is less, provided the amounts available from the below identified sources are deducted from the Department's standard:

- 1) The decedent's assets and available resources and the anticipated amounts of any death benefits available to the decedent's estate.
- 2) Amounts paid and/or arranged to be paid by a decedent's legally responsible relative(s). A legally responsible relative is required to apply any insurance or other available death benefit received as a beneficiary.

b) Amounts available from the above sources are to be applied first to the cemetery charges, and then to funeral charges.

c) The value of a casket and/or vault purchased after the person's death by a non-responsible person or organization shall not affect the amount of the vendor payment.

(Source: Amended at 14 Ill. Reg. 780, effective January 1, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Illinois Swimming Pool and Bathing Beach Code

2) Code Citation:

77 Ill. Adm. Code 820

3) Section Numbers:

820.210

Adopted Action:

Amendment

4) Statutory Authority:

Illinois Swimming Pool and Bathing Beach Code  
Ill. Rev. Stat. 198, ch. , par. et seq.

5) Effective Date of Rules:

January 1, 1990.

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes \_\_\_ No X

If "yes," please specify type: 6.02(a)\_\_\_ or 6.02(b)\_\_\_

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes \_\_\_ No \_\_\_

8) Date Filed in Agency's Principal Office:

January 1, 1990.

9) Date Notice(s) of Proposal was Published in Illinois Register:

July 28, 1989 - 13 Ill. Reg. 12395

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_ No X

If "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_

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DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820  
~~MINIMUM-SANITARY-REQUIREMENTS-FOR-THE-DESIGN-AND-OPERATION-OF~~ ILLINOIS SWIMMING POOLS AND BATHING BEACHES CODE

SUBPART A: GENERAL

- Section
- 820.10 Definitions
- 820.20 Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

- Section
- 820.100 Permits
- 820.110 Water Supplies
- 820.120 Sewage Disposal
- 820.130 Food Service Sanitation

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

- Section
- 820.200 General Design Requirements
- 820.210 Swimming Pool Water Treatment System
- 820.220 Swimming Pool Bather Preparation Facilities
- 820.230 Wading Pools
- 820.240 Spray Pools
- 820.250 Water Slides
- 820.260 New Equipment, Construction and Materials

SUBPART D: SWIMMING POOL OPERATIONAL REQUIREMENTS

- Section
- 820.300 Personnel
- 820.310 Safety Equipment
- 820.320 Water Quality
- 820.330 Swimming Pool Closing
- 820.340 Operation and Maintenance
- 820.350 Operation Reports and Routine Sampling
- 820.360 Personal Regulations
- 820.370 Swimming Suits and Towels Furnished by Management
- 820.380 Wading Pools and Spray Pools

DEPARTMENT OF PUBLIC HEALTH  
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820.390 Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section  
820.500 Minimum Sanitary Requirements for Bathing Beaches

Appendix A Illustrations

- Illustration A Slope of Pool Bottom
- Illustration B Pool Walls
- Illustration C General Pool Diving Area Dimensions
- Illustration D Pools with Diving Facilities in Excess of Three Meters in Height
- Illustration E Slide Dimensions
- Illustration F Slide Position
- Illustration G Flow Meter Installation
- Illustration H Skimmer Construction
- Illustration I Installation of a Pressure Sand Filter System
- Illustration J Installation of a Pressure Diatomaceous Earth Filter System
- Illustration K Installation of a Vacuum Filter System
- Illustration L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
- Illustration M Chlorine Injection into Return Line to Pool Using External Water Source Pressure
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Appendix B Tables

- Table A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
- Table B First Aid Kit Contents
- Table C Flows Carried by Inlets
- Table D Sizing Swimming Pool Chlorinators
- Table E Shower, Lavatory and Toilet Fixtures Required per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1201 et seq.).

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill., Reg. 46, p: 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9563, effective September 16, 1981; rules repealed and new rules adopted 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill., Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990.

Section 820.210 Swimming Pool Water Treatment System

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- 1) A swimming pool water heater piping system shall be equipped with a bypass. A valve shall be provided at the bypass and on the influent and effluent heater piping. The influent and effluent heater piping shall be metallic.
- 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.
- 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.
- 4) An automatic temperature limiting device, which will prevent the introduction of water in excess of 100°F. to the pool, and thermostatic control shall be provided.
- 5) A pressure relief valve shall be provided and shall be piped to within 6 inches of the floor.
- 6) Venting of gas or other fuel burning water heaters shall be provided.
- 7) Heaters for indoor pools shall be capable of maintaining an overall pool water temperature between 76°F. and 84°F.
- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 B.T.U.'s/hr. input per square foot of pool water surface area.
- d) Flow Meter. A flow meter shall be located so that the rate of recirculation may be read. The flow meter shall be located so that the backwash rate of sand filters can be read. In a multiple pool system, flow meters shall be provided for each pool. Flow meters shall be installed on a straight length of pipe at a distance of at least 10 pipe diameters downstream and 5 pipe diameters upstream from any valve, elbow or other source of turbulence. (See Appendix A<sub>2</sub>, Illustration G)
- e) Vacuum Cleaning System.
  - 1) A swimming pool vacuum cleaning system shall be provided. A pool vacuum cleaning system capable of reaching all parts of the pool bottom shall be provided.
  - 2) A vacuum system may be provided which utilizes the attachment of

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- a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water.
- b) Pumping Equipment
  - 1) The recirculation pump and motor shall deliver the flow necessary to obtain the turnover required in subsection(h) Section-820-210(h). A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
  - 2) The pump must be of sufficient capacity to provide a minimum backwash rate of 15 gallons per square foot of filter area per minute in sand filter systems. The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least:
  - A) 50 feet for all vacuum filters;
  - B) 70 feet for pressure sand or cartridge filters; or
  - C) 80 feet for pressure diatomaceous earth filters, unless lower or higher heads are shown by the designer to be hydraulically appropriate.
  - 3) If the pump is located at an elevation higher than the pool water line, it shall be self-priming.
  - 4) Where vacuum filters are used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of Mercury.
  - 5) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump.
  - 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The hair and lint strainer shall be cleanable without dismantling the equipment. Valves shall be installed adjacent to the strainer to allow the flow to be shut off during cleaning, switching baskets, or inspection.
  - c) Swimming Pool Water Heater. Pool water heaters shall be installed at all indoor pools. Where a swimming pool water heater is installed, the following shall apply:
    - 1) The recirculation pump and motor shall deliver the flow necessary to obtain the turnover required in subsection(h) Section-820-210(h). A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
    - 2) The pump must be of sufficient capacity to provide a minimum backwash rate of 15 gallons per square foot of filter area per minute in sand filter systems. The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least:
    - A) 50 feet for all vacuum filters;
    - B) 70 feet for pressure sand or cartridge filters; or
    - C) 80 feet for pressure diatomaceous earth filters, unless lower or higher heads are shown by the designer to be hydraulically appropriate.
    - 3) If the pump is located at an elevation higher than the pool water line, it shall be self-priming.
    - 4) Where vacuum filters are used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of Mercury.
    - 5) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump.
    - 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The hair and lint strainer shall be cleanable without dismantling the equipment. Valves shall be installed adjacent to the strainer to allow the flow to be shut off during cleaning, switching baskets, or inspection.

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a vacuum hose to the suction piping through the skimmer.

- 3) When the vacuum cleaning system is an integral part of the swimming pool recirculation system, a wall fitting shall be provided 8 to 12 inches below the normal water level. Piping from this connection shall be to the suction side of the pump ahead of the hair catcher, shall be at least 1 1/2 inches in diameter and be equipped with a control valve near the junction with the pump suction line. The size of the vacuum hose shall be at least 1 1/2 inches.
- 4) Automatic vacuum systems may be used provided they are capable of removing all debris from the pool bottom.

f) Piping, Skimmer and Overflow System.

1) Piping.

- A) Piping shall be in accordance with the material specifications in Exhibit G, Table D of the Illinois Plumbing Code. (77 Ill. Adm. Code 890. Exhibit G, Table D). Piping used in the pool recirculation system shall conform to the materials required for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890. Exhibit G, Table D, Footnotes E, F, G and H.
- B) The piping shall be designed to carry the required quantities of water at velocities not exceeding 5 feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically justified. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the difference in water levels between the pool and the operating level in the surge or filter tank.
- C) The following waste lines shall be provided with 6 inch air gaps at their points of discharge to the waste sump or sewer:
  - i) Main drain bypass or other connections to waste.
  - ii) Sub-surface drains around a pool.
  - iii) Filter backwash or drain lines and overflow lines.
  - iv) Surge tank drain and overflow lines.
  - v) Pump discharge to waste lines.

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vi) Gutter bypass to waste lines.

vii) Deck drainage systems which involve decks which drain toward the pool.

2) Inlets.

- A) Each inlet shall be adjustable with regard to flow. Each inlet in pools with skimmers shall be directional.
- B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.
- C) Inlets for filtered water shall be located and directed to produce uniform circulation of water, to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and shall produce surface flow patterns which effectively assist skimming. Inlets in pools with skimmers shall be 8" to 16" below the mid-point on the skimmer throat.
- D) Inlets shall be spaced as follows:
  - i) where the distance across the shallow portion of the pool is more than 15 feet, multiple inlets must be provided and spaced so that each inlet will serve a linear distance of no more than 8 feet in the shallow end wall;
  - ii) in pools with 1,500 square feet of surface area or less. Inlets shall be provided in the deep end and spaced so that each inlet will serve a linear distance of not more than 15 feet in the deep end wall; and
  - iii) in pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet. Inlets shall be placed at no more than 15 feet, inlets shall be placed at no more than 15 foot intervals around the entire perimeter, except that inlets shall be spaced as indicated in subsection 820.210(f)(2)(D) in the shallow end wall.
- E) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

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shall be met:

- A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof, with a minimum of two skimmers provided at any pool;
- B) Skimmers shall be so located to minimize interference with each other;
- C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;
- D) Skimmers shall be piped in parallel;
- E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;
- F) Each skimmer shall be provided with an equalizer line at least 1 1/2 inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer; (See Appendix A<sub>2</sub>, Illustration H)
- G) The skimmer shall be approved in accordance with Standard 50 by the National Sanitation Foundation (N.S.F). Standards used by N.S.F. to determine compliance are available for inspection at this Department.
- H) Skimming devices shall be built into the pool wall.
- I) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided;
- J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches; and
- K) Skimmer pools shall have a handhold consisting of a bull-nosed coping not over 2 1/2 inches thick for the outer 2 inches or an equivalent approved handhold as illustrated in Appendix A<sub>2</sub>, Illustration H.

g) Make-up Water. All pools shall be equipped for the addition of make-up water from a potable water source in accordance with one of the following:

- 1) Discharge through an air gap of at least 6 inches to the pool,

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to a surge tank, or a vacuum filter tank. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or lifeguard platform. When added to a surge tank or vacuum filter tank, the 6 inch air gap shall be measured above the invert elevation of an overflow pipe at least 3 inches in diameter.

- 2) Through piping with vacuum breaker protection approved in the Illinois State Plumbing Code. (77 Ill. Adm. Code 890)

h) Filtration.

- 1) General. Filters shall comply with the following:

- A) All filters shall be approved in accordance with Standard 50 by the National Sanitation Foundation (N.S.F). Standards used by N.S.F. to determine compliance are available for inspection at this Department.
- B) Pressure filters shall have pressure gauges on the inlet and outlet piping.
- C) Pressure filters shall have an observable free-fall, or a sight glass shall be installed on the backwash discharge line.
- D) Pressure filters shall have a manual air-relief valve at the high point.
- E) The filter backwash disposal facility shall have sufficient capacity to prevent flooding during the backwash cycle.
- F) All filters shall be designed so that they can be completely drained. Filters shall be drained through a 6 inch gap to a sump or sewer.

- 2) High Rate Sand Filters.

- A) Turnover Rate. The turnover rate for high rate sand filters shall be as shown in the following table:

Type of Pool	Turnover Required
Diving Pools	8 Hours or Less
Wading Pools	2 Hours or Less
All Other Pools	6 Hours or Less

- B) Filtration Rate.

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- influent, such equipment shall have a capacity to feed at least 1 1/2 ounces of this material per square foot of filter area per day.
- F) Piping. Overflow piping on vacuum diatomaceous earth filters shall be provided on the filter tank to discharge overflow water.
- G) Filter Cleaning. All filters shall be equipped for cleaning by one or more of the following methods: backwashing; air-hump-assist backwashing; spray wash (mechanical or manual); or agitation.
- 4) Vacuum Sand Filters.
  - A) Turnover Rate. The turnover rate for vacuum sand filters shall be as shown in the following table:
 

Type of Pool	Turnover Required
Diving Pools	8 Hours or Less
Wading Pools	2 Hours or Less
All Other Pools	6 Hours or Less
  - B) Filtration Rate. After June 1, 1984, the design filtration rate shall be approved in accordance with Standard 50 by N.S.F. The backwash rate shall be a 15 gallons per minute per square foot of filter area.
  - C) Overflow. Overflow piping shall be provided in order to drain overflow water.
  - 5) Cartridge Filters.
    - A) Cartridge-filters-shall-not-be-used-on-swimming-pools-farger-than-70,000-gallons- Turnover Rate.
    - A)B) Type of Pool
 

Diving Pools	8 Hours or Less
Wading Pools	2 Hours or Less
All Other Pools	6 Hours or Less
    - B)G) Filtration Rate. After June 1, 1984, the design filtration rate shall be approved in accordance with Standard 50 by N.S.F. for public pools. Prior to June 1, 1984 and where the filtration rate shall not exceed .375 gallons per minute

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- i) After June 1, 1984, the design filtration rate shall be approved in accordance with Standard 50 by N.S.F. Prior to June 1, 1984 and where the filtration rate has not been listed by N.S.F., the filtration rate shall be a maximum of 15 gallons per minute per square foot of filter area.
- ii) The backwash rate shall be 15 gallons per minute per square foot. See Appendix A<sub>2</sub>, Illustration I for approved method of installation.
- 3) Diatomaceous Earth Filters
  - A) Turnover Rate. The turnover rate for diatomaceous earth filters shall be as shown in the following table:
 

Type of Pool	Turnover Required
Diving Pools	8 Hours or Less
Wading Pools	2 Hours or Less
All Other Pools	6 Hours or Less
  - B) Filtration Rate. After June 1, 1984, the design filtration rate shall be approved in accordance with Standard 50 by N.S.F. Prior to June 1, 1984 and where the filtration rate has not been listed by N.S.F., the filtration rate shall not exceed 1 1/2 gallons per minute per square foot of filter area on diatomaceous earth filters, except that the rate of filtration may be increased to 2 gallons per minute per square foot of filter area when continuous feeding of diatomaceous earth is employed. The filtration rate for regenerative diatomaceous earth filters shall not exceed 2 gallons per minute per square foot of filter area. See Appendix A<sub>2</sub>, Illustrations J and K for approved methods of installation.
  - C) Filter Area. The determination of the filter area shall be made on the basis of measurements of the septum. Area allowance shall not be granted for folds in the septum fabric.
  - D) Precat Piping. A precoat pot shall be provided on the pump suction line for pressure diatomaceous earth systems. All diatomaceous earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating.
  - E) Continuous Feed Rate. Where equipment is provided for the continuous feeding of diatomaceous earth to the filter



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per square foot.

C)D) Duplicate Cartridges. A duplicate set of cartridges shall be provided.

## j) Disinfectant and Chemical Feeders.

- 1) General. The minimum chemical feed equipment required at any pool shall include a unit for feed of a disinfectant except as stated in subsection 820-210(i)(5).
- 2) Equipment Capacity.
  - A) Chlorine. Equipment for supplying chlorine or compounds of chlorine shall be of sufficient capacity so that it is possible to feed the chlorine at a rate of eight parts per million for outdoor pools and at three parts per million for indoor pools, based on the flow rate that would be necessary for a 2 hour turnover in wading pools and a 6 hour turnover in all other pools. Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.
  - B) Bromine. Pot feeders for supplying bromo-chloro-dimethylhydantoin sticks shall contain at least 0.50 pounds of bromo-chloro-dimethylhydantoin per thousand gallons of pool capacity. The feeder shall have a method of feed rate adjustment.
  - C) Ozone.
    - i) Ozone may be used as a supplement to chlorination or bromination as required in subsection 820-210(i)(2). No more than one gram per day of ozone per 10 gallons per minute of flow rate will be allowed.
    - ii) The ambient air ozone concentration shall be less than .05 parts per million (P.p.m.) at all times either in the vicinity of the ozonator or at the pool water surface.
- 3) Positive Displacement Pumps (Hypochlorinators). Where positive displacement pumps are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type and shall be of sufficient capacity to feed the amount of disinfectant required by subsection 820-210(i)(2). If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The

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solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in subsection 820-210(i)(2).

## 4) Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room. The room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The room shall have a window at least 18 inches square and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.
- B) Chlorine cylinders either full or empty shall be anchored.
- C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustration L, M, and N for approved methods of installation.)
- D) Chlorinator vent lines shall be conducted to the out-of-doors similar to the chlorinator room exhaust system.
- E) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- F) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.
- G) A gas mask designed for use in a chlorine atmosphere shall

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1) Heading of the Part:

Local Health Departments Program Standards Code

2) Code Citation:

77 Ill. Adm. Code 615

3) Section Numbers:

615.100  
615.110  
615.140  
615.150  
615.160  
615.200  
615.310  
615.320  
615.330  
615.360  
615.370  
615.510  
615.520  
615.530  
615.540

Adopted Action:

Repealed  
Amendments  
Repealed  
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Amendments

4) Statutory Authority:

Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1 et seq. and 20c et seq.

5) Effective Date of Rules:

January 1, 1990.

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes \_\_\_ No X

If "yes," please specify type: 6.02(a) \_\_\_ or 6.02(b) \_\_\_

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes \_\_\_ No \_\_\_

8) Date Filed in Agency's Principal Office:

January 1, 1990

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9) Date Notice(s) of Proposal was Published in Illinois Register:

June 30, 1989 - 13 Ill. Reg. 10137

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_ No X

If "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_

B) Agency Response: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 615.200, definition of "Annual Program Review" the Department will change this definition to "Program Review."
2. In Section 615.200, definition of "Health Systems Agency," the Department will delete this definition. In addition, in Section 615.310 (e), the Department will delete this subsection.
3. In Section 615.310(a)(1), the Department will delete the existing and proposed language and replace it with the following:
  - 1) All local health departments shall employ a medical health officer or public health administrator, who shall meet the qualifications set forth in the Department's rules entitled "Minimum Qualifications for Personnel Employed by Local Health Departments Code" (77 Ill. Adm. Code 600).
4. In Section 615.330 (d), the Department will replace "of Mines and Minerals" with "of Public Health."
5. In Section 615.330 (e), the Department will add, "The Illinois Groundwater Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7459)."
6. In Section 615.370 (a), the Department replaced this sentence with: "Program Approval The local health department shall conduct the program in accordance with one of the following:"

- 7. In Section 615.370 (a) (2), the Department will delete the following language: "have an ordinance with an enforcement clause that requires a permit prior to the installation or repair of private sewage disposal systems and."
- 8. In Section 615.370(c) (1), the Department will replace "Contractor performance evaluation inspections, new" and "New."
- 9. In Section 615.370 (c) (8) (1) and (11), the Department will delete these subsections.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes  No

- 14) Are there any other Amendments Pending on this Part? Yes  No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

- 15) Summary and Purpose of Rules:

The proposed amendments correct misspellings and inconsistent terminology.

The proposed amendments change the citations from the 1985 Ill. Rev. Stat. 1985, ch. 111 1/2, par. 20c et. seq. to 1987 Ill. Rev. Stat. Ch. 111 1/2, par. 20c et. seq. The Authority Section is being deleted as unnecessary. In addition, the standards for the laboratory program are being revised in order to reference the requirements of the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450).

Furthermore, Section 615.310 is being amended to be in compliance with an opinion of the Attorney General of Illinois in 1984 (81-019).

16)

Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 615  
PROGRAM-STANDARDS-FOR LOCAL HEALTH DEPARTMENTS PROGRAM STANDARDS CODE

SUBPART A: INTRODUCTION

- Section 615.100 Authority (Repealed)
- 615.110 Purpose
- 615.120 Applicability
- 615.130 Appeal Procedures
- 615.140 Statutory Reference (Repealed)
- 615.150 Classification
- 615.160 Distribution of Basic Health Grant Funds

SUBPART B: DEFINITIONS

- Section 615.200 Definitions

SUBPART C: REQUIRED PROGRAMS

- Section 615.310 Administrative and Organizational Support
- 615.320 Food Sanitation
- 615.330 Potable Water Supplies
- 615.340 Maternal Health and Family Planning
- 615.350 Child Health
- 615.360 Communicable Disease Control
- 615.370 Private Sewage Disposal
- 615.380 Solid Waste
- 615.390 Nuisance Control
- 615.400 Chronic Disease

SUBPART D: RECOMMENDED PROGRAMS

- Section 615.510 Vector Prevention and Pest Control
- 615.520 Housing
- 615.530 Recreational Areas
- 615.540 Dental Health
- 615.550 Pediatric Lead Poisoning and Poison Control
- 615.560 Nutrition Services

SUBPART E: OPTIONAL PROGRAMS - INSTITUTIONS AND JAILS

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- Section 615.600 Working Agreements
- 615.610 Personnel
- 615.620 Training of Staff
- 615.630 Sanitation
- 615.640 Planning

SUBPART F: OPTIONAL PROGRAMS - MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

- Section 615.700 Program Goal
- 615.710 Administration
- 615.720 Annual and Long-Range Plans
- 615.730 Needs Assessment
- 615.740 Education, Consultation and Information
- 615.750 Direct Care Services
- 615.760 Public Laws and Acts
- 615.770 Definitions

SUBPART G: OPTIONAL PROGRAMS - PRIMARY CARE

- Section 615.800 Primary Care
- 615.810 Definition and Services
- 615.820 Need and Resource Assessment
- 615.830 Plan Development
- 615.840 Referral Mechanism
- 615.850 Quality Evaluation

AUTHORITY: Implementing and authorized by Sections 15(5) and 17(2) of "AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 15(5) and 17(2)) and Sections 1.1 and 14 of "AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 20c.01 and 20c.13).

SOURCE: Filed October 20, 1977; rules repealed, new rules adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990.

SUBPART A: INTRODUCTION

- Section 615.100 Authority (Repealed)

~~The Illinois Revised Statutes-1979, chapter 111-1/2, paragraph 20c.01, establishes the authority of the State Department of Public Health to~~

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or county boards of the respective counties, or upon approval by referendum, as provided for in Section 3 of "AN ACT An-Aet in relation to the establishment and maintenance of county and multiple-county public health departments" (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 20c2), as amended, in Section 11-17-1 of the Illinois Municipal Code (Ill. Rev. Stat. 1987-1979, ch. 24, par. 11-17-1), as amended), and in "AN ACT An-Aet to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 1 et seq.), as amended).

"May" is used to indicate permissive activity for a program or components of a program.

"Optional Programs" mean those program activities conducted by a local health department which add to the services available in the jurisdiction and are not usually provided by a public health agency

"Annual Program Review" means review by the program review team of the required, recommended, and optional public health programs during a yearly evaluation of the program and performance as compared to the Program Standards. The program review team is composed of one Regional Health Officer, one Food and Drug Evaluation Officer, one Regional Engineer, and one State Nurse Consultant, with consultation from one local Public Health Administrator. The results of this review may be used in determining the disbursement of funds by the Department to local health department pursuant to Section 55.05 of the (Civil Administrative Code of Illinois, as amended) (Ill. Rev. Stat. 1987-1979, ch. 127, par. 55.05).

"Program Standards" mean the Local Health Departments Program Standards Code (77 Ill. Adm. Code 615) ~~for Local Health Departments in Illinois promulgated by the Department pursuant to Section 1.1 of "AN ACT An-Aet in relation to the establishment and maintenance of county and multiple-county public health departments", (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 20c.01), and which are currently on file with the Secretary of State's Office.~~

"Provisional" means a local health department which is providing the five core programs and is developing a plan and timetable to implement the remaining five required basic health programs as determined by the Department during annual program and performance review.

"Recognized" mean a local health department which receives program approval from the Department for the five core programs and which has a plan and timetable to implement the remaining five required basic health programs during annual program and performance review.

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"Recommended Programs" mean those program activities conducted by a local health department which add to the services available in the jurisdiction and are usually provided by a public health agency.

"Required Programs" mean those program activities conducted by a local health department which are fundamental to the operation of complete public health services in a local jurisdiction and include programs in Administrative and Organizational Support, Food Sanitation, Potable Water Supplies, Maternal Health and Family Planning, Child Health, Communicable Disease Control, Private Sewage Disposal, Solid Waste, Nuisance Control, and Chronic Disease.

"Shall" is used to indicate required activity for a program or components of a program to be approved.

"Should" is used to indicate recommended activity for a program or components of a program to be approved.

"Unapproved Program" means activities in a specific program which were evaluated as not meeting the Program Standards during annual program review. This can result from failure to meet a mandatory component.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

## SUBPART C: REQUIRED PROGRAMS

## Section 615.310 Administrative and Organizational Support

This is a required program which contains the necessary components to provide for effective administrative leadership within local health departments. Each department must be in compliance with the following rules to receive approval of this program.

## a) Leadership:

- 1) All local health departments shall employ a medical health officer or public health administrator, who shall meet the qualifications set forth in the Department's rules entitled "Minimum Qualifications for Personnel Employed by Local Health Departments Code" (77 Ill. Adm. Code 600).

~~Local health departments serving jurisdictions in excess of 100,000 population shall employ a medical health officer or public health administrator, director of nursing, and a director of environmental health who shall meet the qualifications as set forth in the latest Rules Concerning Minimum Qualifications for Local Health Department Personnel in~~





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provided. This plan should include:

- 1) designation of an individual to be responsible for development and coordination of educational/informational components of required programs;
- 2) identification of the target group(s);
- 3) identification of information needed by the target group(s);
- 4) measurable educational/informational objectives along with method of measurement;
- 5) proposed methods by which the objectives are to be attained;
- 6) criteria by which the success of the health education/information activities will be evaluated; and
- 7) identification of resources to be allocated to this program component and personnel responsible for its implementation.

op) Information Service and Public Relations: An organized program of public information and public relations should be planned and conducted to include:

- 1) an established policy for maintaining relationships with representatives of local or area mass media;
- 2) methods for providing residents of the jurisdiction with information about community health resources and recommended means for obtaining services, including possible sources of financial assistance;
- 3) methods for providing and interpreting to the community timely information on health hazards, problems, issues, and conditions;
- 4) development and distribution of information materials including, but not limited to, pamphlets and brochures to promote and interpret substantive health programs; and
- 5) established methods for maintaining liaison relationships with other health-related agencies, organizations, and institutions within the jurisdiction or serving the population of its jurisdiction.

pq) Laboratory Services: The local health department shall provide the laboratory services needed to detect and control disease and promote a higher standard of health in the community it serves. Such

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laboratory services may be provided by the local health department through its own public health laboratory, the State Public Health Laboratory, or, when necessary, through private laboratories licensed or certified by the State.

qr) Public Health Laboratories Operated by Local Health Departments:

- 1) Laboratories that provide medical laboratory services are subject to the provisions of the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987 and 1988 Supp. 1979, ch. 111 1/2, pars. 621-101 et seq., as amended by P.A. 86-141, effective August 3, 1988, and P.A. 86-853, effective January 1, 1990) and the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450). Such public health laboratories must be registered, permitted or licensed under this Act unless exempt from licensure under the provisions of Section 621-103 (c) of the Illinois Clinical Laboratory Act. The permit or license must be prominently displayed in the laboratory. A letter of exemption must be prominently displayed on the premises, if applicable.
- 2) Laboratories that provide environmental laboratory services shall be certified under the Joint Rules of the Environmental Protection Agency and the Illinois Department of Public Health: ~~Illinois Environmental Protection Agency (IDPH-EPA) Rules for~~ Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183) for those parameters tested. The certificate must be prominently displayed in the laboratory.

rs) Local Health Departments Not Operating Their Own Public Health Laboratories:

- 1) The local health department shall obtain needed medical and/or environmental laboratory services from the State Public Health Laboratory, a local public health laboratory licensed or certified in accordance with subsection (r)(2) above, or, when necessary, a licensed clinical laboratory, a laboratory in a licensed hospital, or a certified environmental laboratory. Specimens or samples collected by the local health department for release from quarantine shall be submitted to the State Public Health Laboratory or to an appropriately licensed laboratory or certified local public health laboratory.
- 2) When required by applicable rules and regulations, samples, specimens, or isolates from specimens shall be submitted to the State Public Health Laboratory for testing.
- 3) Test results shall be reported to local health authorities and/or the State Department of Public Health when required by

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Sanitation Program in accordance with its food sanitation ordinance or State agreement, and provide documentation of an enforcement procedure which includes:

- 1) time periods for correction;
  - 2) action to be taken upon repeat violations; and
  - 3) responsibilities of inspector, supervisor, and administrative personnel.
- i) Program Operations Record System: The local health department shall make inspections, follow-up inspections, and complaint inspections in accordance with the local ordinance or State agreement, and maintain individual establishment records as follows:
- 1) A copy of each report of inspection, a summary of inspections which permits easy identification of repeat violations, and the establishment's history of hearings and other enforcement measures including legal action.
  - 2) Documentation that each establishment has been inspected at least twice annually, complaints are promptly recorded, reviewed, and investigated as necessary.
  - 3) Individual establishment inspection records shall be maintained for at least two (2) years.
- j) Emergency Planning: The local health department shall have a written emergency plan which specifies personnel responsibilities and procedures for investigation of foodborne disease outbreaks and response to disruption of establishment operations as a result of power failure, flooding, fire, etc. Preassembled sample collection kits for the investigation of foodborne disease outbreaks must be readily available, properly maintained, and in sufficient quantity for use.
- k) Foodborne Illness Investigation: All foodborne illness reports and outbreaks shall be promptly investigated. Reports of the completed investigations shall be on file with copies submitted to the Illinois Department of Public Health.
- l) Industry Training: The local health department should promote and assist industry in the training of management personnel. Educational training materials should be developed and made available for management training. Documentation shall be maintained on all training activities provided to food industry management and operational employees.

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(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

## Section 615.330 Potable Water Supplies

This is a required program with the objective to protect every individual within the local health jurisdiction from contraction and transmission of disease through provision of a safe, potable, adequate supply of water for drinking, culinary, and sanitary purposes. The local health department shall be in compliance with the following rules to receive approval for the program.

- a) Definitions: The following definitions shall apply to the Potable Water Supply Program:
- 1) "Private Water Supply" means any supply which provides water for drinking, culinary, and sanitary purposes and does not meet the definition of a public water system.
  - 2) "Public Water System" means a system for the provision to the public of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
    - A) "Community Water System" means a Public Water System which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
    - B) "Non-Community Water System" means a Public Water System that is not a Community Water System, such as, but not limited to, camp grounds, restaurants, schools, industries, hotels and motels, churches, and gas stations.
  - 3) "Cross Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.
- b) Private Water Supplies: The local health department shall provide a program which includes inspection and sampling of private water supplies, consultation, education, and enforcement of applicable State laws and rules or equivalent local ordinances. Records of enforcement activities and documentation that an inspection with recommendations for correction has been made and water analysis performed on all private water supplies, for which inspection requests have been received, shall be maintained and available for

- c) Personnel - Private Water Suppliers: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the Abandoned Wells: The local health department shall advise well drillers, property owners, and others of the need for proper sealing of abandoned wells. Records shall be maintained and available for review documentation that all located abandoned wells have been properly sealed or referred to the Illinois Department of Public Health Mines-and-Minerals for enforcement action.

- d) Public Non-Community Water Systems: The local health department should provide a program which will ensure the provision of safe, potable water through inspection, sampling, education, and enforcement of Sections 2 and 7 of "AN ACT Am-Aet in relation to public health" (111. Rev. Stat. 1987/1979, ch. 111 1/2, pars. 22 and 24), The Illinois Groundwater Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 7459), and the rules for Drinking Water Systems (77 Ill. Adm. Code 900), or equivalent local ordinances. This portion of the program may be conducted by a local health department upon entering into an agreement with the Illinois Department of Public Health. Compliance with this subsection and subsections (f) and (g) below shall be evaluated based on the provisions of the agreement referred to above.

- e) 1) This is a required program to prevent and control communicable diseases by public health techniques. These may include immunization, epidemiologic investigation, or isolation. These rules are to ensure that program activities are implemented and maintained in accordance with Illinois Department of Public Health (IDPH) rules for the Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- 2) General program requirements applicable to all phases of the Communicable Disease Control Program are cited in subsections (b) through (f) below.
- 3) Requirements applicable to communicable diseases preventable by immunization and/or other available public health techniques are cited in subsections (g) through (l) below.
- f) Program Requirements: The local health department shall:
  - 1) maintain an inventory of all non-community water systems within its jurisdiction. The inventory shall be updated as new information becomes available;
  - 2) establish and maintain a routine water sampling program in accordance with State laws and rules;
  - 3) conduct sanitary surveys, including sampling of all public non-community water systems at least once every two (2) years. Preferably fifty (50) percent of these surveys should be accomplished annually;
  - 4) insure that all non-community water systems found to be unsafe due to location and/or construction deficiencies had such deficiencies corrected; and
  - 5) maintain written records of activities as required in

review.

- g) Personnel - Public Non-Community Water Systems: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

Section 615.360 Communicable Disease Control

a) Communicable Disease Control

- 1) Requirements applicable to control of Class I, II, and III tuberculosis cases, as defined in the most recent issue of the American Thoracic Society's Diagnostic Standards, are cited in subsections (m) through (p) below. Rules relating to tuberculosis control apply to those local health departments with the responsibility for care and treatment of tuberculosis patients.
- 2) Requirements applicable to control of sexually transmitted diseases are cited in subsections (s) through (cc) below.
- h) Adherence to Rules and Procedures: The local health department shall adhere to the IDPH rules for the Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- c) Personnel: The local health department shall identify the Communicable Disease Coordinator(s) and supportive staff to perform

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essential surveillance and other program activities. The Communicable Disease Coordinator is required to meet the following training requirement:

- 1) Satisfactory completion of one of two courses presented through the Center for Disease Control, "Communicable Disease Control" or "Principles of Epidemiology"; OR
  - 2) Participation in a minimum of four (4) workshops or training sessions per year that are conducted and/or sponsored by the Department's Communicable Disease Control staff; OR
  - 3) Satisfactory completion of a college level course in Microbiology; OR
  - 4) Specific academic training (e.g., M.D., graduate degree in Epidemiology).
- d) Reporting: A system for reporting of communicable diseases shall be established and maintained. The local health department shall be able to document the following:
- 1) Communicable disease reports are received from the following sources: hospitals; laboratories, both local and State; physicians, selected specialties; registrars of vital records; allied health agencies; and schools.
  - 2) Health providers diagnosing and/or treating communicable diseases are provided with morbidity report forms with instructions that reports are to be submitted to the local health department within seven days of diagnosis.
  - 3) Laboratories are notified, at least semiannually, of reporting requirements outlined in the Illinois Department of Public Health rules for the Control of Communicable Diseases Code.
  - 4) Completed morbidity reports, carrying the stamp of the local agency, are forwarded to the Illinois Department of Public Health within one week of receipt.
  - 5) Notice of tuberculosis patient movement from one jurisdiction to another are routed through the Tuberculosis Control Office of the Illinois Department of Public Health.
  - 6) A current, confidential register of reported cases of communicable diseases is maintained.
  - 7) Monthly and annual statistical summaries of communicable disease

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morbidity and mortality data is maintained by disease, age, sex, and geographic location. Monthly statistical summaries for each disease should:

- A) compare number of cases with similar interval in previous years; and
  - B) be comparable with records of the Division of Infectious Diseases Control.
- e) Community Education:
- 1) It shall be documented that:
    - A) health education materials are available for public distribution;
    - B) news releases to press; radio and television publicizing the communicable disease problem, health department efforts and available services are issued at least once a year; and
    - C) communicable disease educational material is provided to the local school district for integration into the curriculum.
  - 2) Reports should be maintained, listing the educational services provided, the nature of the services, and recipient groups.
- f) Professional Education: It shall be documented that:
- 1) informational materials relevant to the diagnosing of communicable diseases are maintained and distributed to health care providers in the community;
  - 2) communications relating to local disease trends and health department services to health care providers are issued at least once a year;
  - 3) information is provided on a continuing basis for local health care provider staffs directly involved in disease control and/or care efforts; and
  - 4) local health care providers who serve Sexually Transmitted Disease (STD) patients are provided information regarding diagnostic test, adequate treatment, retesting, and counseling;
  - 5) The latest recommendations of the U.S. Public Health Service Advisory Committee on Immunization Practices shall be

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progressively identify areas in which consolidated or contractual activities would result in increased efficiency and better coordination of tuberculosis control and other health care services.

- r) Contractual Agreement: Evidence of tuberculosis control must be demonstrated in the total health care services of the local health department. In some localities it will be necessary to provide tuberculosis control services by a written agreement as part of the total health care services of the local health department.
- s) Public Treatment: Patients diagnosed as having gonorrhea or syphilis shall receive treatment as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis. Patients diagnosed as having other Sexually Transmissible Diseases (STDs) should receive treatment as outlined in the Center for Disease Control Sexually Transmitted Disease Clinic Standing Orders as provided by the Illinois Department of Public Health. If medications are not available for STDs other than gonorrhea and syphilis through the clinic, prescriptions should be given to the patient.
- t) Preventive Treatment:
  - 1) Patients exposed to gonorrhea or syphilis shall receive treatment as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis.
  - 2) All patients exposed to other STDs should receive treatment as outlined in the Center for Disease Control Sexually Transmitted Disease Clinic Standing Orders as provided by the Illinois Department of Public Health. If medications are not available for STDs other than gonorrhea and syphilis through the clinic, prescriptions should be given to the patient.
- u) Gonorrhea Retesting: Retesting shall be provided for gonorrhea patients. Public clinic patients shall be counseled to return for retesting at one and four week intervals. No less than 60 percent of the patients treated should be returned for test-of-cure; no less than 40 percent should be returned for recheck.
- v) Gonococcal Pelvic Inflammatory Disease (PID) Management: PID management systems should be developed as outlined in the PID Management System, in facilities where females with PID present for medical care. Epidemiologic control records should be utilized to ensure at least 75 percent of the reported PID patients receive treatment and follow-up.
- w) Drug Distribution: Drugs provided by the Illinois Department of Public Health shall be maintained by or available from the local

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health department and distributed to health providers who request them for treatment of reported cases and persons treated preventively. Health providers shall be supplied antibiotics (via mail or messenger service) in quantities recommended and provided by the Illinois Department of Public Health for treatment of reported cases and persons exposed. The local health department shall maintain accurate records of antibiotic distribution.

- x) Treatment - Gonorrhea and Syphilis: Current treatment, as outlined in the Center for Disease Control Treatment Schedules for Gonorrhea and Syphilis, shall be confirmed for required reportable STDs. When public clinics do not exist, provisions should be made to defray the cost of treatment for the medically indigent, clinically uncomplicated patient and/or contacts.
- y) Follow-Up of Positive Laboratory Reporting:
  - 1) Laboratory reports shall be processed to ensure prompt confirmation of diagnosis and treatment or initiation of follow-up investigation.
  - 2) Laboratory reports should have diagnosis and treatment confirmed (morbidity report) or an investigation initiated (CDC Form 9.2936) within five days of receipt. If the CDC Form 9.2936 is initiated, all investigation should have the completed copy submitted to the Illinois Department of Public Health Regional Office within 30 days of initiation.
- z) Patient Interviewing: Counseling shall be provided on an individual basis to at least 95 percent of gonorrhea patients treated in public facilities at the time of diagnosis. Counseling shall be conducted with at least 95 percent of syphilis (infection of less than one year's duration) patients, 75 percent within 48 hours of report. Counseling to both groups shall include information regarding medical compliance, retesting, and seeking help for partners.
- aa) Epidemiologic Follow-Up: At least 75 percent of all persons exposed to gonorrhea shall be examined and receive medical care as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis, 70 percent within three work days of counseling session. At least 80 percent of contact suspects and associates of individuals infected with syphilis shall be examined and receive medical care as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis, 70 percent within three work days of counseling session.
- bb) Referred Follow-Up: Investigations initiated from out-of-jurisdiction should have an investigation initiated within two

days of receipt. Priority shall be given to early syphilis cases, contacts, and positive gonorrhea cultures. Investigations shall be completed and sent to the appropriate Illinois Department of Public Health Regional Office within 14 days. Extensions shall be requested on no more than 10 percent of investigations received.

cc) Congenital Disease: The diagnostic and treatment status of infants when they have been born of mothers who have, or are suspected of having, a reportable sexually transmitted disease shall be determined.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

Section 615.370 Private Sewage Disposal

This is a required program to eliminate transmission of disease organisms and nuisances resulting from improperly or inadequately treated sewage by providing that all sewage is discharged to a properly designed and operated waste treatment facility either publicly or privately owned.

1) An ordinance regulating construction and maintenance of private sewage disposal systems shall be adopted by the local health department. Such ordinance shall include a private sewage disposal code and permit system. The code shall be at least equal to the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 19871979, ch. 111 1/2, pars. 116.301 et seq. 116-324); OR

2) The local health department or unit of local government shall have an ordinance with an enforcement clause that requires a permit prior to the installation or repair of private sewage disposal systems and shall be designated as an "Agent" of the State, pursuant Section 9 of to the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 19871979, ch. 111 1/2, par. 116.309).

h) Permit Program: All new private sewage treatment installations shall be made under permit from the health department as provided in the local ordinance, and such installations shall be constructed in accordance with the plans and specifications approved by the health department. A final inspection of the installation shall be conducted by the health department to determine that the installed private sewage disposal system conforms to the approved plans and specifications.

c) Inspection Program:

1) New sewer performance evaluation inspections, new system inspections, and the investigation of complaints shall be conducted in accordance with the following:

A) New Systems.

All new private sewage disposal systems shall be inspected for compliance with the approved plans and specifications. System defects noted during an inspection shall be corrected prior to final approval or enforcement action shall be initiated against the responsible person(s).

B) Sewer Performance Evaluations:

1) Private sewage disposal systems installers and septicage haulers shall have the performance evaluated at least once during the first year of their tenure for compliance with the Private Sewage Disposal Licensing Act as a minimum--A copy of the inspection report shall be forwarded to the local health department of the Illinois Department of Public Health.

2) After the first year of their tenure, private sewage disposal systems installers and septicage haulers shall have the performance evaluated every three (3) years for compliance with the Private Sewage Disposal Licensing Act as a minimum--A copy of the inspection report shall be forwarded to the local health department of the Illinois Department of Public Health.

B6) Complaints.

Complaints of malfunctioning private sewage disposal systems shall be investigated. Defects noted during those investigations shall be corrected or enforcement action shall be taken against the responsible person(s).

2) Copies of all inspection reports shall be maintained and filed in the local health department.

d) Recommended Program Elements: The following elements are recommended for inclusion in the Private Sewage Disposal Program:

1) Provide to all interested persons copies of all ordinances and



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rules and regulations regarding the design and installation of private sewerage systems. Criteria regarding the design of sewerage systems accepted by the Department should be available for distribution to interested persons.

- 2) Provide training and consultation to owners and constructors of private sewerage systems.
- 3) Promote the adoption of a local private sewage disposal ordinance.
- 4) Provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

## SUBPART D: RECOMMENDED PROGRAMS

## Section 615.510 Vector Prevention and Pest Control

This is a recommended program to prevent and control the transmission of disease, adulteration of food products, infestation and damage to structures, and enhance the comfort and enjoyment for living.

- a) Definitions: The following definitions shall apply to the Vector Prevention and Pest Control Program:
  - 1) "Vector" means an organism which carries and transmits disease. Examples include mosquitoes, ticks, flies, etc.
  - 2) "Pests" mean insects, spiders, mites, ticks, and related arthropods, wood infesting organisms, rats, mice, nuisance birds and other obnoxious or undesirable animals in, on or under structures. Pests could also include mosquitoes like the inland floodwater mosquito and the saltmarsh mosquito which may not be involved in transmission of disease, but preclude the use of certain areas because of their obnoxious biting habits.
- b) Legal Base: Local ordinances should be adopted to provide for the prevention and control of vectors and obnoxious pests. Additionally, the establishment of mosquito abatement districts in accordance with enabling legislation is to be promoted and encouraged "AN ACT providing for the organization, operation and dissolution of mosquito abatement districts and providing for the levy, collection and disbursement of taxes therein", (Ill. Rev. Stat. 19871979, ch. 111 1/2, pars. 74 et seq.).

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- c) Field Service: The local health department shall provide the following:
  - 1) Conduct field surveys to identify vectors and the obnoxious pests which warrant specific control programs, and to aid in developing effective preventive and control methods.
  - 2) Investigate and follow-up complaints involving insects, nuisance birds, rodents, and other obnoxious pests.
  - 3) Activity reports shall be prepared and available for review to show complaints investigated, areas surveyed, methods used, and results obtained. A minimum program would include control of flies, mosquitoes, and rodents.
- d) Consultation and Technical Services: The local health department shall:
  - 1) provide consultation to local governments, public agencies, civic groups, and the general public on the identification and control of insects, rodents, and obnoxious pests;
  - 2) develop and maintain liaison with governmental units and members of the pest control industry to insure that materials and methods being used for control activities are safe, effective, and in compliance with existing State laws and regulations covering the use of pesticides (Structural Pest Control Act, Ill. Rev. Stat. 19871979, ch. 111 1/2, par. 2201 et seq.); ~~["AN ACT relating to custom or public application of pesticides, to license and regulate such activity, to provide penalties for violation thereof, and to make an appropriation in connection therewith," Ill. Rev. Stat. 1979, ch. 5, pars. 87d1 et seq.];~~
  - 3) develop and implement a public information program which includes the preparation of news releases, technical bulletins, and presentations to civic groups and the general public on vector control problems and control methods; and
  - 4) maintain records on the required activities specified in 1, 2, 3, above and have them available for review.
- e) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

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This is a recommended program for the environmental control of sanitation, safety, and development of facilities at recreational areas and youth camps which promotes the enjoyment for living by eliminating disease transmission and safety hazards.

- a) Legal Base: The program operated by the local health department shall be based on local ordinances. These ordinances and the subsequent rules promulgated shall should be consistent with the Campground Licensing and Recreational Area Licensing Act (Ill. Rev. Stat. 1987/1979, ch. 111 1/2, pars. 761 et seq.) and Recreational Area Code (77 Ill. Adm. Code 800) and the Youth Camp Act (Ill. Rev. Stat. 1987/1979, ch. 111 1/2, pars. 549.1 et seq.) and Youth Camp Code (77 Ill. Adm. Code 810) and their rules.
- b) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.
- c) Personnel Training: Personnel should receive training which may include short courses, seminars, or professional meetings related to recreational area operation.
- d) Inventory: An inventory of recreational area facilities shall be established and maintained.
- e) Enforcement: Documentation shall be maintained that shows that each facility was inspected at least annually while in operation. Where deficiencies have been identified, the record shall show that corrective action by the operator or administrative action by the local health department has been initiated.
- f) Sampling Schedules: Documentation shall be maintained that shows schedule for sampling of potable water, swimming pool water and bathing beach water, results recorded, and corrective action taken, when necessary.

(Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

## Section 615.540 Dental Health

A recommended program to encourage the prevention of dental disease by means of educational and preventive programs, the early detection of oral disease, and the establishment of treatment programs for those who cannot otherwise obtain dental care.

- a) Personnel: The local health department shall provide properly licensed or registered program personnel to insure completion of all

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dental health services and programs for this purpose. Personnel shall be trained and equipped to carry out the program.

- b) Health Education: There should be documentation of a written educational program including audio-visuals and methods of evaluation. Documentation of actual changes occurring within target groups may be demonstrated with the use of pre- and post-test results, Greene's Oral Hygiene Index, or Decayed-Missing-Filled (DMF) rates.
  - 1) The local health department should coordinate the planning and presentation of dental health education activities for public health nurses, health department personnel, and other health-oriented individuals.
  - 2) The local health department shall include dental health education in all such programs as prenatal clinics, well-baby clinics, home nursing services, and other school and adult programs.
- c) Topical Fluoride Application: The local health department shall offer direction and assistance in the establishment of a weekly fluoride mouth-rinsing program for all requesting children attending schools within the jurisdiction of the department. Documentation shall include the number of students enrolled in the schools in the area served by the health department, contacts made by the health department offering help in establishing the programs, and the number of participants in the established programs.
- d) Public Water Supply Fluoridation Surveillance: The local health department shall cooperate in the establishment of a water fluoride-level surveillance mechanism that will complement the related activity of the Illinois Department of Public Health's Division of Dental Health. All public water supplies within the jurisdiction of the health department shall provide water with the mandated fluoride levels of 0.9 to 1.2 parts fluoride per one million parts water, as required by "AN ACT "An-Aet to provide for safeguarding the public health by vesting certain measures of control and supervision in The Department of Public Health over public water supplies Public-Water Supplies in the State" (Ill. Rev. Stat 1987/1979, ch. 111 1/2, pars. 121a et seq.)
- e) Dental Inspections: The local health department shall provide facilities or personnel to allow for dental inspections for children in conjunction with physical examinations. The activity is considered to be 100 percent effective when all children receiving physical examinations through the local health department also receive dental inspections.

f) Follow-up: The local health department shall provide follow-up services for cases referred for diagnosis or treatment. Documentation of all follow-up activities shall be maintained in the local health department file.

g) Evaluation of Available Dental Resources: The local health department shall evaluate the area of jurisdiction in respect to the ability of current resources to meet the dental needs of the population. Such data should identify the size of the at-risk population and the dental resources available from the private sector and from public funded programs.

h) Establishment of Public Funded Dental Clinics: Utilizing the data obtained in the activities of subsection (g) above, the local health department shall determine, with the consultation of all involved groups, whether the need exists for the establishment of a dental clinic to meet the dental needs of the local population.

i) Dental Care Policy: When clinic services are provided, the local health department shall develop a written dental policy specifying patient eligibility, treatment to be provided, and the patient record and service reports to be maintained. (Source: Amended at 14 Ill. Reg. 805, effective January 1, 1990)

1) Heading of the Part:

Minimum Qualifications For Personnel Employed By Local Health Departments Code

2) Code Citation:

77 Ill. Adm. Code 600

3) Section Numbers:

Adopted Action:

- 600.110 Repealer
- 600.120 Amendments
- 600.230 Amendments
- 600.250 Amendments
- 600.510 Amendments
- 600.900 Amendments
- 600.910 Repealer
- 600.920 Repealer
- 600.930 Repealer
- 600.1100 Amendments
- 600.1110 Amendments
- 600.1120 Amendments
- 600.1130 Amendments
- 600.1140 Amendments
- 600.1400 Amendments

4) Statutory Authority:

Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1 et seq. and 20c et seq.

5) Effective Date of Rules:

January 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes  No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes  No

If "yes," please specify type: 6.02(a)  or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes  No

8) Date filed in Agency's Principal Office:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

January 1, 1990.

9) Date Notice(s) of Proposal was Published in Illinois Register:

June 30, 1989 - 13 Ill. Reg. 10035

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_ No X

If "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_

B) Agency Response: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

There were no changes pursuant to public comment.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

There were no substantive changes pursuant to public comment.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes \_\_\_ No X

14) Are there any other Amendments Pending on this Part? Yes \_\_\_ No X

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If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

15) Summary and Purpose of Rules:

The proposed amendments correct misnumbering of several sections, the result of typographical errors and deleting unnecessary provisions. The amendments also update the citations to the Illinois Revised Statutes. In addition, the standards for laboratory personnel are being replaced with a reference to the requirements of the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450).

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

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

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

600.1120 Nurse Coordinator  
 600.1130 Public Health Nurse  
 600.1140 Staff Nurse  
 600.1150 Licensed Practical Nurse  
 600.1160 Home Health Aide  
 600.1170 Homemaker

## SUBPART L: NUTRITIONAL HEALTH -- CLASS TITLES AND SPECIFICATIONS

Section  
 600.1200 Director of Nutrition  
 600.1210 Nutritionist  
 600.1220 Associate Nutritionist

## SUBPART M: SOCIAL WORK/PSYCHOLOGY -- CLASS TITLES AND SPECIFICATIONS

Section  
 600.1300 Certified Social Worker  
 600.1310 Psychologist

## SUBPART N: THERAPIES -- CLASS TITLES AND SPECIFICATIONS

Section  
 600.1400 Occupational/Physical Therapist  
 600.1410 Speech and Language Pathologist

## SUBPART O: VETERINARY SCIENCE -- CLASS TITLES AND SPECIFICATIONS

Section  
 600.1500 Veterinarian

## SUBPART P: VISION AND HEARING -- CLASS TITLES AND SPECIFICATIONS

Section  
 600.1600 Vision and Hearing Supervisor  
 600.1610 Vision and Hearing Screening Technician

AUTHORITY: Implementing and authorized by "AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 20c et seq.) and "AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1 et seq.).

SOURCE: Filed April 17, 1968; emergency amendment at 5 Ill. Reg. 11091, effective October 1, 1981, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 2716, effective March 1, 1982; codified at 8 Ill.

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Reg. 18914; amended at 14 Ill. Reg. 840, effective January 1, 1990.

## SUBPART A: GENERAL

## Section 600.110 Statutory Authority (Repealed)

~~These Rules are promulgated under the authority of Sections 1-1 and 14 of "An Act in Relation to the Establishment and Maintenance of County and Multiple-County Public Health Departments," approved July 9, 1943, as amended, (Ill. Rev. Stat. 1979, ch. 111 1/2, pars. 20c-01 and 20c-13), and Section 15 of "An Act to Authorize the Organization of Public Health Districts and for the Establishment and Maintenance of a Health Department for the Same," approved June 26, 1917, as amended, (Ill. Rev. Stat. 1979, ch. 111 1/2, par. 15).~~

(Source: Repealed at 14 Ill. Reg. 840, effective January 1, 1990)

## Section 600.120 Purpose

~~This Part is~~ These Rules are a necessary component for the development of a merit system of personnel administration, the establishment and maintenance of which enable local health departments to receive certain Federal funds.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

## SUBPART B: DEFINITIONS

## Section 600.230 Local Health Department

Any county, multi-county, district or municipal health department formed by resolution of the county board or county boards of the respective counties, or upon approval by referendum, as provided for in the following Acts County Public Health Department Act, Section 3 of "AN ACT in relation to the establishment of county and multiple - county public health departments" (Ill. Rev. Stat. 1987, ch. 111 1/2 par. 20c2, as amended), Section 11-17-1 of the Illinois Municipal Code (Ill. Rev. Stat. 1987, ch 24, par. 11-17-1, as amended) and "AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987, ch 111 1/2, par. 1 et seq.). ~~Illinois Revised Statutes, 1979, Chapter 111 1/2, Paragraph 20c2, as amended, in the Illinois Municipal Code, Illinois Revised Statutes, 1979, Chapter 24, Paragraph 11-17-1, as amended, and in the Public Health Districts Act, as amended, Illinois Revised Statutes, 1979, Chapter 111 1/2, Paragraph 1, et seq.~~

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

## Section 600.250 Personnel Information Form

The reporting document used by local health departments to submit information to the Illinois Department of Public Health concerning the qualifications of employees for whom these Rates-apply this Part applies.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

Section 600.510 Dental Hygienist

a) Distinguishing Features of Work:

1) With interdependent direction, carries out gingival treatments as directed by a dentist, the purpose of which is to help control, eliminate, and prevent the occurrence of soft tissue diseases; performs technical services at the professional level, consisting of the removal of calculus, stains, and material from the teeth, the topical application of medicaments and/or chemicals to relieve or prevent dental disease processes; participates in planning, implementing, and evaluating dental patient education.

2) Services shall not be exclusively limited to activities in a public funded clinic setting. Educational and organizational work in promoting effective oral hygiene for the purpose of preventing dental disease may be accomplished in the community.

h) Illustrative Examples of Work:

1) Provides a complete dental prophylactic service.

2) Examines oral structures for evidence of disease and reports to the dentist for diagnosis and treatment.

3) Administers approved and accepted carries prevention treatments by the topical applications of medicaments, chemicals or substances to the tooth surfaces.

4) Performs gingival treatments by instrumentation and massage of tissues and the application of prescribed medications to the tissues.

5) Exposes, processes, and mounts intra- and extra-oral radiographs and makes a part of patient's dental record.

6) Maintains complete and accurate records of all work accomplished and/or planned including charting of dental and oral-related structures; obtains and records case history of patients prior to treatment; accomplishes dietary history and makes recommendations for alterations in diet to lessen the

possibility of dental diseases.

7) Assists in training and teaching of dental assistants.

8) Consults with and functions as a resource person for other hygienists, public health nurses, school nurses, and other health-related personnel; provides dental health education programs, lectures, etc., upon request, at locations outside the primary area of employment.

9) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education:

A) Requires successful completion of the academic requirements of a school of dental hygiene approved by the Department of Professional Regulation Registration-and-Educator as evidenced by a certificate or diploma; and

B) Requires possession of a current valid license to practice dental hygiene in Illinois; or

C) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Dental Hygienist as of the effective date of these specifications.

2) Skills, Knowledge, and Abilities:

A) Requires knowledge of preventive dentistry and plaque control to eliminate and lessen the incidence of disease conditions.

B) Requires skill in communication and teaching of dental health education to individuals and groups.

C) Requires thorough knowledge of approved principles and practices of dental and oral hygiene.

D) Requires knowledge and practice of medical-dental ethics.

E) Requires ability to keep accurate and adequate records.

F) Requires ability to carry out instructions given by supervisors and cooperates in working out the total dental program.



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(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

SUBPART I: LABORATORY PERSONNEL STANDARDS -- GLASS-TITLES  
AND-SPECIFICATIONS

Section 600.9800 Director of Laboratory Requirements

Any clinical laboratory operated by a local health authority must comply with the personnel standards under the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450).

a) Distinguishing-Features-of-Work:

Subject-to-executive-policy-approval,-performs-managerial-and-professional-supervisory-services-for-a-laboratory-involved-in-multiple-scientific-disciplines;-directs,-coordinates,-and-is-responsible-for-the-analytical-procedures,-timely-submission-of-test-results,-and-the-necessary-support-functions-of-the-laboratory;-implements-changes-in-laboratory-functions-to-keep-pace-with-operational-requirements;-may-perform-complex-analysis-within-area-of-specialty-and-act-as-an-expert-witness.

b) Illustrative-Examples-of-Work:

- 1) Establishes-and-supervises-the-procedures-used-in-the-laboratory-to-accomplish-the-required-tests-and-analyses.--
- 2) Supervises-reporting-and-record-keeping-for-the-laboratory;-when-necessary;-reviews-and-interprets-laboratory-findings.--
- 3) Supervises-and-conducts-research-for-the-development-and-adoption-of-new-or-improved-laboratory-methods.--
- 4) Provides-for-instruction-and-on-the-job-training-of-laboratory-of-outside-agency-technical-personnel.--
- 5) Prepares-the-personnel,-activity,-and-other-non-technical-reports-submitted-from-the-laboratory.
- 6) Requisitions-all-supplies-consumed-by-the-laboratory.
- 7) Performs-other-duties-as-required-or-assigned.

c) Minimum-Requirements:

- 1) Education:
  - A) Requires-a-degree-above-baccalaureate-level-from-an

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accredited-college-or-university-with-a-major-in-chemical-or-biological-sciences-and-completion-of-training-in-those-tests-for-which-license-is-sought;-or-

- B) Be-an-incumbent-approved-by-the-Illinois-Department-of-Public-Health-currently-employed-as-a-Director-of-Laboratory-as-of-the-effective-date-of-these-specifications.

-2) Experience:

- A) Requires-two-(2)-years-of-full-time-professional-experience-in-microbiology-and/or-chemistry.

-3) Skills,-Knowledges,-and-Abilities:

- A) Requires-thorough-knowledge-of-principles-and-practices-of-laboratory-operation;-care-and-use-of-laboratory-equipment;-and-analytical-methods-and-procedures.
- B) Requires-a-detailed-knowledge-of-administrative-and-supervisory-methods-and-techniques.
- C) Requires-ability-to-supervise-and-direct-the-work-of-professional,-technical,-and-clerical-personnel.
- D) Requires-ability-to-perform-independent-research-and-adapt-methods-to-current-requirements.
- E) Requires-ability-to-interpret-laboratory-test-results.
- F) Requires-ability-to-prepare-comprehensive-scientific-and-administrative-reports.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

Section 600.9810 Chemist (Repealed)

a) Distinguishing-Features-of-Work:

With-specific-direction,-performs-routine-chemical-and-biochemical-analyses-of-a-variety-of-substances-in-a-locally-operated-laboratory;-may-supervise-lower-level-laboratory-personnel.

b) Illustrative-Examples-of-Work:

- 1) Performs-routine-chemical-and-biochemical-analyses;-submits-results-for-presentation-to-appropriate-corrective,-enforcement

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- F) Requires ability to make microbiological analyses of various products and substances according to standardized procedures.
- G) Requires ability to follow written and oral directions, formulae, and charts.

(Source: Repealed at 14 Ill. Reg. 840, effective January 1, 1990)

## Section 600.9830 Laboratory Technician (Repealed)

## a) Distinguishing Features of Work:

Under direct supervision, performs technical laboratory work following specific instructions, or standard procedures and techniques, where indicated results are usually obvious; assists in performing the more difficult tests; may assist in training new laboratory workers; may clean and sterilize glassware and laboratory equipment.

## b) Illustrative Examples of Work:

- 1) Receives, sorts, and records identification of specimens; tabulates results of tests for professional interpretation; maintains file of laboratory records.
- 2) Performs routine microbiological and chemical analyses on specimens of human or environmental origin.
- 3) Operates laboratory machinery and equipment; maintains cleanliness, sterility, and working condition of laboratory machinery and equipment.
- 4) Performs other duties as required or assigned.

## c) Minimum Requirements:

## -1) Education:

- A) Requires knowledge, skill, and mental development equivalent to completion of four (4) years of high school, preferably with courses and laboratory work in biology, chemistry or physics; or
- B) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Laboratory Technician as of the effective date of these specifications.

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## -2) Skills, Knowledges, and Abilities:

- A) Requires elementary knowledge of the principles and practices of biology, chemistry, physics or related sciences.
- B) Requires elementary knowledge of laboratory procedures and techniques.
- G) Requires elementary knowledge of laboratory equipment and its usage.
- D) Requires ability to maintain effective working relationships with other laboratory personnel.
- E) Requires ability to perform routine and standard laboratory tests.

(Source: Repealed at 14 Ill. Reg. 840, effective January 1, 1990)

SUBPART K: NURSING--CLASS TITLES  
AND SPECIFICATIONS

## Section 600.1100 Director of Nursing

## a) Distinguishing Features of Work:

Subject to executive policy approval, directs public health nursing activities in a local health department.

## b) Illustrative Examples of Work:

- 1) Participates in formulation and development of agency policy objectives, budget, and program planning.
- 2) Formulates and implements policy, methods, and procedures for the public health nursing program.
- 3) Recruits, trains, and evaluates the work activities of nursing staff members, provides orientation, and in-service education and training to nursing staff.
- 4) Exercises responsibility for personnel, fiscal, and other management controls; prepares and reviews records and reports on an operational, professional and, occasionally, a research nature.
- 5) Performs other duties as required or assigned.

(c) Minimum Requirements:

1) Education and Experience:

A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registrar-and-Educators; and

B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and

C) Requires a master's degree with preparation in administration, epidemiology, research and clinical nursing, and two (2) years of full-time experience in a generalized family-centered nursing program in a community health agency; or

D) Requires a bachelor's degree in nursing from a college program which includes a practicum experience in public health nursing, advanced preparation in administration and supervision, and four (4) years experience in a generalized family-centered nursing program in a community health agency; or

E) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Director of Nursing as of the effective date of these specifications.

2) Skills, Knowledge, and Abilities:

4) Requires ability to assess community nursing needs and to formulate plans to meet those needs.

B) Requires ability to establish and further effective working relationships with a variety of community, governmental, and professional individuals and groups.

C) Requires the ability to implement the nursing process which includes supervisory techniques of public health nursing theory and practice.

D) Requires an ability to comprehend local health department philosophy, organization, and practice as it relates to nursing program activities.

E) Requires an ability to comprehend program planning, personnel management, and the budget process.

F) Requires familiarity with the medical-legal aspects of public health nursing.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

Section 600.1110 Supervising Nurse

a) Distinguishing Features of Work:

1) Plans, assigns, and reviews the work activities of subordinate nursing staff engaged in providing public health nursing services.

2) Functions as a resource person to staff, community leaders, the general public, and volunteers to interpret and further the public health nursing program throughout the area served.

3) Keeps abreast of innovative practices and current trends in public health nursing; recommends application, adaptation or modification of such practices to meet the needs of the local health department and the populace it serves.

4) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education and Experience:

A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registrar-and-Educators; and

B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and

C) Requires a bachelor's degree in nursing from a college program which includes a practicum experience in public health nursing and one (1) year of full-time experience in a generalized family-centered nursing program in a community health agency; or

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- D) Requires three (3) years of full-time nursing experience, two (2) years of which must have been in a generalized family-centered nursing program in a community health agency; or
  - E) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Supervising Nurse as of the effective date of these specifications.
- 2) Skills, Knowledges, and Abilities:
- A) Requires ability to facilitate work output and interpret agency policies to staff.
  - B) Requires ability to direct and coordinate the activities of assigned staff of a nursing services.
  - C) Requires ability to establish and further effective working relationships with the general public, school officials, community leaders, members of professional organizations, and governmental officials.
  - D) Requires familiarity with the medical-legal aspects of public health nursing.
  - E) Requires ability to analyze and evaluate nursing services to improve the quality of patient care.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

## Section 600.1120 Nurse Coordinator

## a) Distinguishing Features of Work:

With general direction, assumes specific program or project coordinating responsibilities in a local health department.

## b) Illustrative Examples of Work:

- 1) Participates in assessment of community nursing needs and assists in the formulation of plans to meet those needs; develops and utilizes case finding techniques for persons with special needs for program services.
- 2) Provides basic clinical guidance to nursing personnel.
- 3) Acts as a resource person for in-service education and training program for nursing staff.

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- 4) Facilitates effective working relationships with a variety of community and governmental agencies, including professional individuals and associations.
  - 5) Analyzes and evaluates programs to improve the quality of patient care.
  - 6) May provide direct nursing care.
  - 7) Performs other duties as required or assigned.
- c) Minimum Requirements:
- 1) Education and Experience:
    - A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration and Education; and
    - B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and
    - C) Requires two (2) years of full-time nursing experience applicable to the assigned program or project; or
    - D) Be an incumbent approved by the Illinois Department of Public Health currently employed as Nurse Coordinator as of the effective date of these specifications.
- 2) Skills, Knowledges, and Abilities:
- A) Requires the ability to implement the nursing process.
  - B) Requires ability to comprehend program planning, develop program methods and procedures, and establish appropriate referral priorities.
  - C) Requires ability to make independent clinical judgment in a program area and assist staff with clinical aspects of care.
  - D) Requires ability to provide educational instruction to staff relating to the clinical aspects of care.
  - E) Requires familiarity with the medical-legal aspects of public health nursing.

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- 2) Recognizes and interprets symptoms of patients conditions and reports to appropriate person, and assists with remedial measures for adverse developments.
  - 3) Maintains clinical charts; reports on the condition of patients; observes and corrects, if possible, environmental factors dealing with the comfort and safety of patients.
  - 4) Assists clients with nursing care in such areas as prenatal care, postpartum care, pre-school care, and geriatric care.
  - 5) Prepares patients for and provides special treatments and dressings.
  - 6) Uses opportunities for teaching nursing care, treatments, and health practices to the client, family, and others.
  - 7) Performs other duties as required or assigned.
- c) Minimum Requirements:
- 1) Education:
    - A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration-and-Education; and
    - B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; or
    - C) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Staff Nurse I or II as of the effective date of these specifications.
  - 2) Skills, Knowledges, and Abilities:
    - A) Requires working knowledge of professional nursing theory and practice.
    - B) Requires ability to keep records and charts and make reports on observations.
    - C) Requires ability to apply general nursing techniques and practices.
    - D) Requires ability to follow oral and written directions and administer therapeutic prescriptions.

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- E) Requires ability to establish and further satisfactory working relationships with patients, family members, doctors, the general public, and other professional personnel.
- F) Requires familiarity with the medical-legal aspects of nursing practice.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

SUBPART N: THERAPIES--CLASS TITLES  
AND SPECIFICATIONS

Section 600.1400 Occupational/Physical Therapist

a) Distinguishing Features of Work:

With interdependent direction, performs occupational and/or physical therapy duties in a local health department.

b) Illustrative Examples of Work:

- 1) Performs tests and measurements of muscle strength, sensory integrative function, joint range of motion, posture, strength, and ability to perform activities of daily living.
- 2) Assesses the behavior and functioning of patients in planned situations and evaluates the functional effects of disease and disability.
- 3) Develops a graduated treatment plan suited to meet individual needs based on the results of evaluations and the attainment of goals.
- 4) Instructs professionals, para-professionals, and family members in patient care techniques.
- 5) Participates in conferences with other professionals regarding patient treatment in rehabilitative programming.
- 6) Applies clinical techniques of therapy and training to individual patients and/or groups.
- 7) Seeks medical advice and consultation, as indicated.
- 8) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education and Experience:

- A) Option A requires knowledge, skill, and mental development equivalent to completion of four (4) years of college with a bachelor's degree in physical therapy from a school approved by the Department of Professional Regulation and Registration-and-Education; and
- B) Requires one (1) year of full-time professional experience in the field of physical therapy; or
- C) Option B requires knowledge, skill, and mental development equivalent to completion of four (4) years of college with a bachelor's degree in occupational therapy; and
- D) Requires one (1) year of full-time professional experience in the specialized field of occupational therapy.

2) Registration:

- 4) Option A: Requires current registration as a physical therapist in Illinois.
- Option B: Requires evidence of current certification by the American Occupational Therapy Association.

3) Skills, Knowledge, and Abilities:

- A) Requires thorough knowledge of the principles, practices, and techniques for the appropriate therapy.
- B) Requires ability to instruct others in the appropriate techniques and practices.
- C) Requires ability to work closely with other medical professionals.
- D) Requires ability to communicate effectively.
- E) Requires ability to write clear and concise records and reports of treatments given and progress made.
- F) Requires ability to review records and treatments and draw conclusions as to their effectiveness.

(Source: Amended at 14 Ill. Reg. 840, effective January 1, 1990)

1) Heading of the Part:

- Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code

2) Code Citation:

77 Ill. Adm. Code 725

3) Section Numbers:

Adopted Action:

725.20	Amendment
725.44	Amendment
725.70	Amendment
725.71	Amendment

4) Statutory Authority:

The Salvage Warehouse and Salvage Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.).

5) Effective Date of Rules:

January 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? No.

8) Date Filled in Agency's Principal Office:

December 19, 1989

9) Date Notice of Proposal was Published in Illinois Register:

September 15, 1989 - 13 Ill. Reg. 14306

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments and suggestions of the Administrative Code Division:



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NOTICE OF ADOPTED AMENDMENTS

In Section 725.20, in the definition of "ADULTERATED, the Sections and title of the Act from which this statutory language has been taken have been specified as "Section 10 of the Illinois Food, Drug and Cosmetic Act." The full statutory citation has been deleted since the entire Act was cited earlier in this Section.

In Section 725.20, in the definition of "DEPARTMENT, the Sections and title of the Act from which this statutory language has been taken have been specified as "Section 2 of the Illinois Food, Drug and Cosmetic Act."

In Section 725.20, in the definition of "MISBRANDED, the Sections and title of the Act from which this statutory language has been taken have been specified as "Section 11 of the Illinois Food, Drug and Cosmetic Act." The full statutory citation has been deleted since the entire Act was cited earlier in this Section.

In Section 725.20, in the definition of "Non-Salvageable Merchandise," in line 2, the first letter of the word "section" has been capitalized.

In Section 725.20, the definitions of "Salvageable Merchandise" and "Salvage Distributor" have been reversed to place them in proper alphabetical order. Also, the definition of "Salvage Processing Plant" has been placed immediately after the definition of "Salvage Distributor" in order to place the definitions in proper alphabetical order.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

The Department has corrected some typographical errors which were included in the adoption of this new Part at 13 Ill. Reg. 2502.

In Section 725.20, the spelling of the word "deterious" has been corrected to "deleterious" in the definition of "Contaminated." The words "it that" have been reversed to "that it" in the definition of "Pitted Rust."

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In Section 725.44, the words "above directly" have been reversed to "directly above" in the second sentence. The word "or" has been added after the word "above."

In Section 725.50, the spelling of the word "identify" has been corrected to "identity" in the second sentence.

In Section 725.71, the repetitive listing of "is is" in the third sentence has been replaced with the single word "is."

Additionally, the word "Code" has been added to the end of the heading of the Part.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
217/782-6187

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

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## DEPARTMENT OF PUBLIC HEALTH

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"MISBRANDED" SHALL MEAN LABELED OR HAVING LABELING WHICH IS FALSE OR MISLEADING IN ANY PARTICULAR; OR ANY OTHER MEANING ASCRIBED UNDER THE ILLINOIS FOOD, DRUG AND COSMETIC ACT. (~~Ill. Rev. Stat., 1987, ch. 56-1/2, par. 511~~) (Section 11 of the Illinois Food, Drug and Cosmetic Act)

"Non-Salvageable Merchandise" shall mean "distressed merchandise," as defined in this section Section which cannot be reconditioned such as foods, alcoholic liquors, drugs, medical devices and cosmetics contaminated and/or adulterated by pesticides, chemicals, or filth; potentially hazardous foods (frozen or those requiring refrigeration) which have been exposed to a temperature above 45°F (7.2°C) for a period exceeding 4 hours; foods, alcoholic liquors, drugs, medical devices and cosmetics found unfit for salvage on examination; foods, alcoholic liquors, drugs, medical devices and cosmetics packaged in paper or other porous materials which have been subject to contamination; and foods, alcoholic liquors, drugs, medical devices or cosmetics found to have pitted rust upon examination. Drug products or infant formulas containing expiration dates or beyond use dates which have expired shall be considered non-salvageable merchandise.

"Perishable" shall mean that there exists a significant risk of spoilage or deterioration when a product has not been refrigerated.

"Personnel" shall mean any person employed at a salvage processing plant or distributor who does or may in any manner handle or come in contact with the handling, storing, transporting, or selling and distributing of salvageable or salvaged merchandise.

"Pitted Rust" shall mean any rust that has penetrated the surface of the container to such a depth ~~it~~ that it cannot be removed with a wiping cloth only. Containers with rust that cannot be removed with a wiping cloth only are non-salvageable merchandise.

"Potentially Hazardous Food" shall mean any food or food ingredient, natural or synthetic, in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of Clostridium botulinum as stated in 77 Ill. Adm. Code 750.20.

"Reconditioning" shall mean any sanitary process or procedure by which distressed merchandise can be made available for consumption or use by the public pursuant to this Part.

"Salvage Distributor" shall mean a person who engages in the business of selling, distribution or otherwise trafficking in any distressed or salvaged merchandise.

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"Salvage Processing Plant" shall mean an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes or holds for sale salvaged merchandise for human consumption or use.

"Salvageable Merchandise" shall mean any damaged or distressed item or product from a manufacturer closeout, or distressed merchandise which can be reconditioned pursuant to this Part or is not adulterated, contaminated or misbranded.

"Salvaged Merchandise" shall mean distressed merchandise which has been reconditioned pursuant to this Part.

"Springer" shall mean a can with a bulged or swelled end which, after depression, returns voluntarily to its bulged or swelled condition.

"Surface Rust" shall mean rust that can be removed with a wiping cloth only.

"Swell" shall mean a can which exhibits a bulged end.

"Vehicles" shall mean any truck, car, bus, or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

(Source: Amended at 14 Ill. Reg. 864, effective January 1, 1990)

## Section 725.44 Cross-Contamination Protection

Precautions shall be taken to prevent cross-contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged. Precautionary measures which may prevent cross-contamination include, but are not limited to, segregation of items by location, and not storing non-human foods, toxins or other food items above directly above or contiguous to human foods, drugs, cosmetics, medical devices or alcoholic beverages.

(Source: Amended at 14 Ill. Reg. 864, effective January 1, 1990)

## Section 725.70 Returned Drug Products

Returned drug products shall be identified as such. If the conditions under which returned drug products have been held, stored, or shipped before or during their return, or if the condition of the drug products, its container, carton, or labeling, as a result of storage or shipping casts doubt on the safety, ~~identify identity~~, strength, quality or purity of the drug product, the returned product shall be destroyed unless examination, testing, or other

investigations prove the drug product meets appropriate standards of safety, identity, strength, quality, or purity as stated in 21 CFR 211. A drug product may be reprocessed provided the subsequent drug product meets appropriate standards, specifications, and characteristics as stated in 21 CFR 211. Records of return drug products shall be maintained and shall include the name and label potency of the drug product dosage form, lot number (or control number or batch number), reason for the return, quantity returned, date of disposition, and ultimate disposition of the returned drug product as stated in 21 CFR 211. Procedures for the holding, testing, and reprocessing of returned drug products shall be in writing and shall be followed.

(Source: Amended at 14 Ill. Reg. 864, effective January 1, 1990)

Section 725.71 Drug Product Salvaging

Drug products that have been subjected to improper storage conditions including extremes in temperature, humidity, smoke, fumes, pressure, age, or radiation due to natural disasters, fires, accidents, or equipment failures shall not be salvaged and returned to the marketplace pursuant to this Part. Improper storage conditions include, but are not limited to, variations in temperature extremes, moisture permeation or conditions of high humidity, potential exposure of the product to the environment, unsanitary storage conditions, or infestation with insects or vermin. Whenever there is a question whether drug products have been subjected to such conditions, salvaging operations may be conducted only if there is evidence from laboratory tests and assays (including animal feeding studies where applicable) that the drug products meet all applicable standards of identity, strength, quality, and purity and evidence from inspection of the premises that the drug products and their associated packaging were not subjected to improper storage conditions as a result of the disaster or accident (21 CFR 211.208). Organoleptic examinations shall be acceptable only as supplemental evidence that drug products meet appropriate standards of identity, strength, quality, and purity. Appropriate standards would include the specific portion of the products' monograph in the official compendia as stated in the Food, Drug and Cosmetic Act, the statutory or regulatory standard of identity, if existing, or a particular product, and the manufacturer's internal standards of product quality. Records including name, lot number, and disposition shall be maintained for drug products subject to this Section.

(Source: Amended at 14 Ill. Reg. 864, effective January 1, 1990)

Adopted Action:

130.310

Section Numbers:

Code Citation: 86 Ill. Adm. Code 130

Statutory Authority: 111. Rev. Stat. 1987, ch. 120, par. 441

Effective Date of Amendment(s): January 1, 1990

Does this rulemaking contain an automatic repeal date?  Yes  No

Does this amendment contain incorporations by reference?  No

Date filed in Agency's Principal Office: January 1, 1990

Notice of Proposal published in Illinois Register: June 2, 1989, 13 Ill. Reg. 8391 (Issue date)

Has JCAR issued a Statement of Objections to this Rule?  No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the next-to-the-last line of the main source note, changed the comma following "rulemaking" to a semi-colon.
2. In Section 130.310(b)(4), changed "An Act relating to alcoholic liquors" approved January 31, 1934, effective July 1, 1934" to "The Liquor Control Act of 1934".
3. In Section 130.310(b)(5), immediately before both statutory citations, specified the Section(s) and the Act from which the statutory language was taken.

4. In Section 130.310(b)(6), line 14, placed "Premises," in quotes and changed "is" to "are".

5. In Section 130.310(d)(1), line 8, changed "paragraphs 2(b) and (3)" to "subsections (b)(2) and (3)".

Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Deleted the text "convincing" from Section 130.310(b)(6) and added

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to the end of that Section "from its books and records".

- 2. Showed the 1981 edition of the Illinois Revised Statutes cited in Section 130.310(b)(4) as being changed to the 1987 edition.
  - 3. Added the text "Section 3(a)(2) and (4) of" before the text "the Grade A Pasturized Milk and Milk Products Act".
  - 4. Showed "Section 2 of the Retailers' Occupation Tax Act" in Section 130.310(b)(5) as new text.
  - 5. Changed "Pasturized" in line 11 of Section 130.310(b)(5) to "Pasteurized".
  - 6. Updated the statutory citations in Section 130.310(b)(5) from the 1985 edition of the Illinois Revised Statutes to the 1987 edition.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will this amendment replace an emergency amendment currently in effect?  
No
  - 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
130.330	Amendment	12/23/88, 12 Ill. Reg. 22097
130.2000	Amendment	12/23/88, 12 Ill. Reg. 22097

- 15) Summary and Purpose of Rule(s): Changes in the regulation dealing with food prepared for immediate consumption. These changes are based upon the Illinois Supreme Court decisions in Canteen Corp. v. Department of Revenue.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung  
 Administrator  
 Legal Services Bureau  
 Illinois Department of Revenue  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Phone: (217) 782-6336

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 130  
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

- Section 130.101 Character and Rate of Tax
- 130.115 Responsibility of Trustees, Receivers, Executors or Administrators
- 130.110 Occasional Sales
- 130.111 Sale of Used Motor Vehicles by Leasing or Rental Business
- 130.115 Habitual Sales
- 130.120 Nontaxable Transactions

SUBPART B: SALE AT RETAIL

- Section 130.201 The Test of a Sale at Retail
- 130.205 Sales for Transfer Incident to Service
- 130.210 Sales of Tangible Personal Property to Purchasers for Resale
- 130.215 Further Illustrations
- 130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

- Section 130.305 Farm Machinery and Equipment
- 130.310 Food, Drugs, Medicines and Medical Appliances
- 130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
- 130.320 Gasohol
- 130.325 Graphic Arts Machinery and Equipment Exemption
- 130.330 Manufacturing Machinery and Equipment
- 130.335 Pollution Control Facilities
- 130.340 Rolling Stock
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

- Section 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges--Penalties--Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties

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130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 General Information

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiroprodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists, Oculists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons

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- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2080 Sales to Governmental Bodies
- 130.2085 Sales to or by Banks and Savings and Loan Associations
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and their Suppliers
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and the Like
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps and Discount Coupons
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Vendors of Signs
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
- 130.2170 Warehousemen

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

1) A food is any solid, liquid, powder or item intended by the seller primarily for human internal consumption, whether simple, compound or mixed, including foods such as condiments, spices, seasonings, vitamins, bottled water and ice.

2) Gross receipts from sales of food for which facilities are provided so that it can be consumed on the premises where it is sold and gross receipts from sales of food which has been prepared for immediate consumption do not qualify for the reduced rate. For example:

A) gross receipts from sales of food and drinks by restaurants, coffee shops, caterias and other establishments selling food which has been prepared for immediate consumption or which provide facilities for on-premises consumption are subject to the full rate of tax.

B) concession stands, snack shops and other establishments which sell food items primarily (more than 50%) in individual sized servings (such as ice cream cones, bags of popcorn, candy bars and individually served sandwiches) make sales of food for immediate consumption.

C) sales of all hot food and hot products are sales of food for immediate consumption.

3) Delicatessens, markets, dairies and bakeries and other establishments which sell food items primarily (more than 50%) in quantities greater than individual sized servings incur the reduced rate on gross receipts from retail sales of food items. However, the full rate will apply to all sales made by such establishments which provide facilities for the consumption of food on premises unless those facilities utilize a separate means of collecting receipts from such sales for consumption on the premises and are physically partitioned from areas in which food not for immediate consumption is sold.

4) The reduced rate does not extend to alcoholic beverages. An alcoholic beverage is any beverage subject to the tax imposed under Article VIII of the Amended Retail Tax Act approved January 31, 1934, effective July 1, 1934 "The Liquor Control Act of 1934" (Ill. Rev. Stat. 1987, ch. 43, pars. 94 et seq.).

b) Food

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 4990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988; for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989, amended at 14 Ill. Reg. 872, effective January 1, 1990.

NOTE: Capitalization denotes statutory language.

Section 130.310 Food, Drugs, Medicines and Medical Appliances

a) General. Effective January 1, 1980, through December 31, 1980, notwithstanding the fact that the sales may be at retail, food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, will be taxed at the rate of 3% of the gross receipts from such sales. Effective January 1, 1981, such sales will be taxed at the rate of 2% of the gross receipts from such sales. Effective January 1, 1984, such sales will be taxed at the rate of 0% of gross receipts from such sales. Local tax may still be imposed on such sales notwithstanding the reductions in the State rate.



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- 5) Effective September 1, 1984, the reduced rate does not extend to soft drinks. Soft drinks will be taxed at the State sales tax rate of 5%. The term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description which are contained in any closed or sealed bottle, can, carton, or container regardless of size. "SOFT DRINKS" DO NOT INCLUDE COFFEE, TEA, NON-CARBONATED WATER, INFANT FORMULA, MILK OR MILK PRODUCTS AS DEFINED IN Section 3(a)(2) and (4) of THE GRADE A PASTEURIZED MILK AND MILK PRODUCTS ACT (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 2201 et seq.), OR DRINKS CONTAINING 50% OR MORE NATURAL FRUIT OR VEGETABLE JUICE. FROZEN CONCENTRATED FRUIT JUICE, DRY POWDERED DRINK MIXES, AND FRUIT JUICES WHICH ARE RECONSTITUTED TO NATURAL STRENGTH ARE NOT SOFT DRINKS. Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 441)
- 6) Food prepared for immediate consumption means food made ready by the retailer to be eaten without substantial delay after the final stage of preparation by the retailer. Retailers who sell food which they do not prepare in any way, are not selling food for immediate consumption, i.e., pre-packaged candy bars, snacks, chips, ice cream, unless that food is to be consumed on the retailer's premises. It is presumed that retailers who sell food prepared for immediate consumption in individual single-sized servings will sell all such items for consumption without substantive delay. Thus, for example, a retailer of individual sandwiches, doughnuts or cookies prepared in the morning will be subject to the high rate of tax regardless of when during a business day such items are sold and actually consumed. "Premises" are that area over which the vendor exercises control, whether by lease, contract, license or otherwise, and, in addition, the area in which facilities for eating are provided, including areas designated for, or devoted to, use in conjunction with the business engaged in by the vendor. Thus, all food sold by a restaurant for consumption on premises, whether prepared for immediate consumption or not, is subject to the high rate. Candy bars sold through a vending machine located outside a service station with no facilities for consumption, would be subject to the low rate of tax, while an identical candy bar sold through an identical vending machine in a cafeteria, break area, or a location with shared eating facilities, would be subject to the high rate. Vendor premises would include eating areas provided by employers for employees, common or shared eating areas in shopping centers or public buildings if customers of food vendors adjacent to such

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areas are permitted to use them for consumption of food products. It will be presumed that food sold by vendors with on-premises consumption facilities will, in fact, be consumed on premises unless the vendor presents evidence to the contrary from its books and records.

## c) Medicines and Medical Appliances

- 1) A medicine or drug is any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.
- 2) A medical appliance is an item which is intended by the maker to correct any functioning part of the body or which is used as a substitute for any functioning part of the body, such as artificial limbs, crutches, wheelchairs, stretchers, hearing aids, corrective eyeglasses, dental prostheses, and sterile cotton, bandages and bandaids. The term "medical appliance" also includes testing equipment used by an individual to test his or her own medical condition.
- 3) Medical appliances used by health care professionals and not transferred to their patients in providing medical services do not qualify for the reduced rate of tax.
- 4) Supplies, such as non-sterile cotton swabs, disposable diapers, toilet paper, tissues and towlettes do not qualify for the reduced rate. Cosmetics, such as lipsticks, perfume and hair tonics do not qualify for the reduced rate. Diapers and absorbent pads for incontinent patients are not supplies.

## d) Reporting

- 1) The retailer must keep an actual record of all sales and must report tax at the applicable rates, based on sales as reflected in his records. Books and records must be maintained in sufficient detail so that all receipts reported with respect to food, drugs, medicines and medical appliances can be supported. The determination of the percentage of sales of food items sold in individual-sized servings referred to in ~~Paragraphs~~ subsections 2(b) and (3) above, will be made by comparing the dollar amounts of the gross receipts of the two categories of foods. The determination shall be based upon a period which will generally reflect the true character of overall sales rather than isolated or seasonal variations.
- 2) If a retailer finds it difficult to maintain detailed records of receipts from sales of food, drugs, medicines and medical

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## NOTICE OF ADOPTED AMENDMENT(S)

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Yes

8) Date Filed in Agency's Principal Office: December 30, 1989

9) Notice of Proposal Published in Illinois Register:  
September 1, 1989, 13 Ill. Reg. 13742

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 130.110 - amended to correct a reference to Section 130.251 of Part 130 rather than Section 130.250.

Section 130.200 - amended to reflect federal rule citations for the terms "regulated account" and "segregated customer funds."

Section 130.270 - amended to reflect federal rule citations for (1) the term "regulated account," (2) authority of the Commodities Futures Trading Commission to designate contract markers and (3) Rules 3a43-1 under the Federal 1934 Act.

Section 130.436 - amended to reflect federal rule citations which clarify the terms physical properties or assets, pending or contemplated legal proceedings and materially important provisions.

Section 130.510 - amended to reflect the information required to be filed in the registration statement which describes in detail the securities to be registered and to provide the federal rule citation for Rule 415 under the Federal 1933 Act; amended to reflect statutory citations for exemptions from registration.

Section 130.550 - amended to reflect the statutory citation for the term "waiver of concurrent effectiveness" and standards for insolvency; reflect Forms U-1 and U-2 as Appendix A and B of the Part.

Section 130.610 - amended to reflect the information required to be filed in the registration statement which describes in detail the face amount certificate contracts to be registered; amended to reflect statutory citations for exemptions from registration.

## NOTICE OF ADOPTED AMENDMENT(S)

Section 130.650 - amended to reflect the statutory citation for the term "waiver of concurrent effectiveness" and standards for insolvency.

Section 130.710 - amended to reflect the information required to be filed in the registration statement which describes in detail the investment fund shares to be registered; amended to provide statutory citations for exemptions from registration.

Section 130.750 - amended to reflect the statutory citation for the term "waiver of concurrent effectiveness" and standards for insolvency.

Section 130.810 - amended to reflect federal rule citation for the rule which describes Form BD; eliminated the term "Form BD" and replaced it with the federal rule citation for the rule which describes the form; reflect Form BD and the Subordinated Loan Agreement as Appendix C and D to the Part; clarified language regarding persons and officers who sell securities being required to register as salespersons; deleted reference to waiver of examinations; set standards for registration of salespersons concurrently with a dealer.

Section 130.826 - amended to reflect federal rule citations in each instance that a federal rule is referenced.

Section 130.840 - amended to reflect the federal rule citation for the rule which describes Form ADV; amended to include standards as to what is a material amendment.

Section 130.847 - amended to reflect standards setting forth conditions which may impair an investment adviser's ability to meet contractual obligations; deleted language regarding the significant limiting of a person's investment related activities.

Section 130.860 - amended to reflect standards for insolvency and define the term "competent evidence."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? Yes

Illinois Register Citation: October 20, 1989, 13 III. Reg. 16302

Section Numbers: Proposed Action:

- 130.100 Amendment
- 130.140 Amendment
- 130.201 Amendment
- 130.221 New Section
- 130.233 New Section
- 130.244 Amendment
- 130.247 New Section
- 130.370 New Section
- 130.440 Amendment
- 130.441 Amendment
- 130.442 Amendment
- 130.491 New Section
- 130.532 Amendment
- 130.533 Amendment
- 130.700 Amendment
- 130.701 New Section
- 130.805 New Section
- 130.822 Amendment
- 130.823 New Section
- 130.824 Amendment
- 130.827 Amendment
- 130.828 New Section
- 130.829 New Section
- 130.832 Amendment
- 130.842 Amendment
- 130.844 Amendment
- 130.852 Amendment
- 130.1100 Amendment
- 130.1101 Amendment
- 130.1102 Amendment
- 130.1103 New Section
- 130.1104 New Section
- 130.1105 New Section
- 130.1106 New Section
- 130.1107 New Section
- 130.1108 New Section
- 130.1109 New Section
- 130.1110 New Section
- 130.1111 Renumbered; Amendment
- 130.1112 Renumbered; Amendment
- 130.1113 New Section
- 130.1114 New Section
- 130.1115 New Section
- 130.1116 New Section
- 130.1117 New Section

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 130.1118 New Section
- 130.1119 New Section
- 130.1120 New Section
- 130.1121 Amendment
- 130.1122 Amendment
- 130.1123 Amendment
- 130.1124 New Section
- 130.1125 New Section
- 130.1126 New Section
- 130.1127 New Section
- 130.1128 New Section
- 130.1129 New Section
- 130.1520 New Section

15)

Summary and Purpose of Rules:

Section 130.110 - reflects new fees and reflects a change of form of payment.

Section 130.120 - clarifies the place of filing documents.

Section 130.130 - reflects a change in date of filing.

Section 130.200 - sets forth additional definitions of terms.

Section 130.246 - defines the terms "residents of this State" and "sales made in reliance upon the exemption" and repeals the term "address of a purchaser."

Section 130.270 - defines persons not to be included in the definition of the term "dealer."

Section 130.280 - reflects a change in the definition of the term "branch office."

Section 130.436 - sets forth procedures to file for a trading authorization.

Section 130.510 - reflects changes in procedures to file for the registration of securities.

Section 130.530 - sets forth procedures to file for the renewal of a registration of securities and additional fees for the failure to file timely.

Section 130.550 - sets forth additional fees for the failure to file timely and defines the term two (2) business days.

## NOTICE OF ADOPTED AMENDMENT(S)

Section 130.610 - reflects changes in procedures to file for the renewal of a registration of face amount certificate contracts and additional fees for the failure to file timely.

Section 130.630 - sets forth procedures to file for the renewal of a registration of face amount certificate contracts and additional fees for the failure to file timely.

Section 130.650 - sets forth additional fees for the failure to file timely and defines the term two (2) business days.

Section 130.710 - reflects changes in procedures to file for the registration of investment fund shares.

Section 130.715 - sets forth procedures to amend an application to reflect an additional class or classes or a change in organization or operation.

Section 130.730 - sets forth procedures to file for the renewal of a registration of investment fund shares and additional fees for the failure to file timely.

Section 130.750 - sets forth additional fees for the failure to file timely and defines the term two (2) business days.

Section 130.810 - sets forth changes in the procedure to file an application for registration as a dealer and prescribes forms.

Section 130.820 - sets forth procedures for the renewal of a registration as a dealer and the withdrawal of a registration.

Section 130.821 - sets forth changes in procedures to report the location of branch offices of registered dealers.

Section 130.826 - sets forth changes in registered dealers' minimum net capital requirement.

Section 130.840 - reflects changes in procedures to report the location of branch offices or registered investment advisers.

Section 130.841 - sets forth changes in procedures to report the location of branch offices of registered investment advisers.

## NOTICE OF ADOPTED AMENDMENT(S)

Section 130.846 - sets forth the written disclosure document that a registered investment adviser must offer to deliver to its client and the time frame for delivery.

Section 130.847 - defines a fraudulent, deception or manipulative act as a failure to disclose to clients certain financial and disciplinary information.

Section 130.860 - sets forth additional fees for the failure to file timely.

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

Name: Michael A. Chizmar, Asst. Director  
Address: Illinois Securities Department  
900 South Spring Street  
Springfield, IL 62704  
Telephone: (217) 785-4941

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

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## NOTICE OF ADOPTED AMENDMENT(S)

130.282	Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
130.285	Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
130.291	Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

## SUBPART D: EXEMPT TRANSACTIONS

Section 130.436	<u>Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act</u>
130.440	Procedures for Filing Reports of Sale under Section 4.G of the Act
130.441	Calculation of Number of Persons Under Section 4G of the Act
130.442	Report of Sale of Securities pursuant to Section 4.G of the Act for all sales made after January 1, 1984
130.490	Procedures for Filing Reports of Sale under Section 4.P of the Act

## SUBPART E: REGISTRATION OF SECURITIES

Section 130.501	Title of Securities
130.502	Financial Statement Requirements
130.503	Disclaimer of Control
130.505	Formal Requirements as to Consents
130.506	Consents Required in Special Cases
130.507	Application to Dispense with Consent
130.508	Consent to Use of Material Incorporated by Reference
130.510	Procedures for Registration of Securities by Coordination under Section 5(A) 5-A of the Act
130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.530	<u>Renewal of Registration of Securities Under Section 5(E) of the Act</u>

## NOTICE OF ADOPTED AMENDMENT(S)

130.531	Computation of Fees
130.532	Registration of Additional Securities
130.533	Formal Requirements for Amendments
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement or Amendment
130.540	Procedure with Respect to Abandoned Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550	<u>Additional Fees Under Section 5 of the Act</u>
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference
130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590	Identifying Statements
130.591	Requirements as to Appraisals
130.592	Omission of Substantially Identical Documents
130.593	Incorporation of Exhibits by Reference

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section 130.600	Preamble
130.610	Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6(A) 6-A of the Act
130.630	<u>Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act</u>
130.650	<u>Additional Fees Under Section 6 of the Act</u>

## SUBPART G: INVESTMENT FUND SHARES

Section 130.700	Preamble
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NOTICE OF ADOPTED AMENDMENT(S)

130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7(A) 7-A of the Act

130.715 Amandatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

130.750 Additional Fees Under Section 7 of the Act

130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.810 Procedures for Registration as a Dealer Under Section 8(B) of the Act 7-Effecter-and-Salesperson-Examination-and-Registration

130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act

130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

130.821 Reporting of Dealer Branch Office Location(s) and Required Fees

130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.B.(9) of the Act for Registration as a Dealer

130.824 Reports to be Made by Dealers

130.825 Records Required of Dealers

130.826 Registered Dealer Net Capital Requirements

130.827 Requirements

130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C.(7) of the Act for Registration as a Salesperson

130.840 Procedures for Registration as an Investment Adviser Under Section 8(D) of the Act

130.841 Registrations

130.842 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

Examinations or Education Programs Deemed Satisfactory

NOTICE OF ADOPTED AMENDMENT(S)

130.844 Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.D.(9) of the Act for Registration as an Investment Adviser

130.845 Financial Statements Required of Investment Advisers

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser

130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions

130.851 Compensation, Profit or Other Compensation

130.852 Compensation

130.853 Account Transactions

130.854 Use of the Term "Investment Counsel"

130.860 Additional Fees Under Section 8 of the Act

130.872 Procedure with Respect to Abandoned Dealer Applications

130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section 130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 130.1100 Preamble

130.1101 Definitions

130.1102 Notice of Hearing

130.1110 Requirements Relating to Continuances

130.1111 Evidentiary Rules to be Followed in Hearing

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Final Order

SUBPART P: SAVINGS PROVISIONS

Section 130.1661 Investors Syndicate of America, Inc.

130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section 130.1701 Inspection of Applications

130.1702 Inspection of Dealer, Salesperson and Investment



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130.1703 Adviser Records  
Non-Public Distribution of Information

- APPENDIX A Uniform Consent to Service of Process
- APPENDIX B Uniform Application to Register Securities
- APPENDIX C Uniform Application for Broker-Dealer Registration
- APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by The Illinois Securities Law of 1953 (Ill. Rev. Stat. 1987 1985, ch. 121 1/2, par. 137.1 et seq.).

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.110 Payment of Fees

a) Fees under the Act are as follows:

- Section 4(F)(2) 4-F-12  
Application Filing Fee \$1,000
- Section 4(G) 4-6  
Report of Sale Filing Fee \$25-\$1,000\*  
~~\$10-\$100\*~~

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Section 4(P) 4-P  
Offering Sheet Examination Fee \$300  
Report of Sale Filing Fee \$10-\$100\*

Section 5(A) 5-A  
General Filing Registration  
or Renewal Fee \$500-\$2,500\*\*  
~~\$1,500\*\*~~

Filing Registration  
or Renewal Fee for Shelf Offerings \$500-\$6,000\*\*

Filing Registration  
or Renewal Fee for Series Issuers \$500-\$3,000\*\*

General-Oversale-Registration Fee \$500-\$1,000\*\*\*

Oversale-Registration-Fee for Shelf Offerings \$500-\$5,500\*\*\*

Oversale-Registration-Fee for Series Issuers \$500-\$2,500\*\*\*

Section 5(B) 5-B  
Examination Fee \$300  
Filing Registration Fee \$500-\$1,500\*\*  
Oversale-Registration Fee \$500-\$1,000\*\*\*  
Amendment Examination Fee \$50

Section 5(C)  
General Oversale Filing Fee \$500-\$1,000\*\*\*  
Oversale Filing Fee for Shelf Offerings \$500-\$5,500\*\*\*  
Oversale Filing Fee for Series Issuers \$500-\$2,500\*\*\*

Section 5(E)  
Additional fee for renewal of securities 6 days or less but prior to expiration of registration or renewal \$200  
Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration)

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## NOTICE OF ADOPTED AMENDMENT(S)

<u>Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness</u>	<u>\$100</u>
<u>Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness</u>	<u>11th-30th day \$200</u>
	<u>31st-60th day \$400</u>
	<u>61st-90th day \$600</u>
	<u>91st-120th day \$800</u>
	<u>121st-150th day \$1,000</u>
	<u>151st-180th day \$1,200</u>
	<u>On or after the 181st day \$2,500</u>

Section 7(A) 7-A  
Filing Registration or Renewal Fee \$1,000 plus \$100 for each series, class or portfolio

Amendment Filing Registration Fee for Additional Class or Classes \$100

Section 7(B) 7-B  
Examination Fee \$300  
Filing Registration or Renewal Fee \$1,000  
Amendment Examination Fee \$50  
Amendment Filing Registration Fee for Additional Class or Classes \$100  
Renewal Examination Fee \$200

Section 7(D)  
Amendatory statement \$100

Section 7(G)

## NOTICE OF ADOPTED AMENDMENT(S)

<u>Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal</u>	<u>\$200</u>
<u>Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)</u>	<u>1st-30th day \$500</u>
	<u>31st-60th day \$1,000</u>
	<u>61st-90th day \$1,500</u>
	<u>91st-120th day \$2,000</u>
	<u>121st-150th day \$2,500</u>
	<u>151st-180th day \$3,000</u>
	<u>On or after the 181st day \$5,000</u>

Section 7(J)  
Additional fee for the failure to file or file timely any required post-registration document \$50

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness \$100

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

<u>11th-30th day</u>	<u>\$200</u>
<u>31st-60th day</u>	<u>\$400</u>
<u>61st-90th day</u>	<u>\$600</u>
<u>91st-120th day</u>	<u>\$800</u>
<u>121st-150th day</u>	<u>\$1,000</u>

NOTICE OF ADOPTED AMENDMENT(S)

151st-180th day \$1,200  
On or after the 181st day \$2,500

Section 8  
Dealer Filing  
Registration or  
Renewal Fee

Investment Adviser Filing  
Registration or  
Renewal Fee

\$300 \$200  
plus \$20 for  
each branch  
office in this  
State in-excess  
of 2-offices\*\*\*  
Investment Adviser Examination  
Fee \$50  
Salesperson Filing  
Registration or  
Renewal Fee \$40 \$30  
Salesperson Transfer Fee \$40 \$30

Section 8(J)  
Additional fee for the failure  
to file or file timely any  
required statement of  
financial condition or  
financial statement  
Additional fee for the  
second and subsequent  
failure to file or file  
timely any required  
statement of financial  
condition or financial  
statement \$500  
Additional fee for the failure  
to file or file timely any  
required post-registration  
document (other than  
statement of financial  
condition or financial  
statement) \$50  
Additional fee for the second

NOTICE OF ADOPTED AMENDMENT(S)

and subsequent failure to  
file or file timely any  
required document (other  
than statement of financial  
condition or financial  
statement) \$250

Section 10  
Service of Process (when served  
upon the Secretary) \$10  
Sections 15(B) 15-B and 15(C) 15-C  
Certificate \$10  
Certified Copy of Document \$10 plus  
Each Page Certified \$ .50  
Section 15a  
Non-binding statement \$75  
Duplication of documents  
each page duplicated \$ .50  
Additional fee for payment  
of fee returned to the  
Securities Department  
due to insufficient funds  
or for a similar reason \$50

\* 1/10th of 1% of the aggregate dollar amount  
reported therein, but not less than the specified  
minimum nor more than the specified maximum.

\*\* 1/20th of 1% of the maximum aggregate price, as  
defined in Section 130.251 of this Part Rate  
130-250, but not less than the specified  
minimum nor more than the specified maximum.

\*\*\* Three times the difference between the initial  
registration fee paid and the fee required for the  
entire amount sought to be registered but not less  
than the specified minimum nor more than the  
specified maximum.

\*\*\* Twice the amount indicated if the renewal  
application is filed within 6 days preceding the  
expiration of the current registration.

b) All payments of fees, except for payment of  
administrative fines under Section 11(B) of the Act as

## NOTICE OF ADOPTED AMENDMENT(S)

set forth below, in-excess-of-\$100.00 shall be made by check, money order, United States postal money order, certified check, bank cashier's check, bank money order or indicia of forms of electronic transfer of funds payable to the "Secretary of State" Secretary-of-State. No third party check or money order endorsed over to the Secretary of State ("Secretary") shall be accepted as payment of any fee. All payments for administrative fines under Section 11(E) of the Act, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by United States postal money order, certified check or bank cashier's check of-fees-of-\$100.00-or less-may-be-made-by-check-or-money-order-payable-to-the Secretary-of-State.

c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by Ill. Rev. Stat. ch. 53, par. 24, as defined in Section 130.200 of this Part.

d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

## Section 130.120 Place of Filing

All applications for registration or exemption from registration and other papers filed with the Securities Department or of the Secretary of-State pursuant to Section 4, 5, 6, 7, 8, 9, 13 or 15a of the Act shall be filed either at Springfield, Illinois -or-Chicago,--Illinois. Such material may be filed by delivery to the Securities Department Secretary-of-State, through the mails or otherwise. All other papers filed with the Securities Department or the Secretary pursuant to the Act may be filed at the office of the Securities Department in Springfield or Chicago, Illinois.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 130.130 Date of Filing

- a) Except as otherwise specified in Section 5, 6, or 7 or 8 of the Act, the date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield, Illinois, as specified in Section 130.120 of this Part, in-Springfield or:
- 1) if transmitted through the United States mail, shall be deemed filed with the Secretary of State on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing the document or fee;
  - 2) if mailed but not received by the Secretary of State, or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with the Secretary of-State on the date it was mailed, but only if the sender establishes by competent evidence that the document or fee was deposited, properly addressed, in the United States mail on or before the date on which it was required or was due. In cases in which the document or fee was mailed but not received, the sender must also submit, or pay to, the Secretary of-State a duplicate document or fee, or both, as the case may be, within 30 days after written notification of nonreceipt of the document or fee is given by the Secretary of State to the person claiming to have sent the document or fee;
  - 3) if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.
- b) A document may not be deemed to be filed with the Secretary of-State unless all requirements of the Act with respect to such filing have been complied with and the required fee has been paid.

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## NOTICE OF ADOPTED AMENDMENT(S)

"Federal Banking Act of 1933" means the Federal Banking Act of 1933, ~~as amended~~ (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on July 1, 1989.

"Federal Public Utility Holding Company Act of 1935" means the Federal Public Utility Holding Company Act of 1935, ~~as amended~~ (15 U.S.C. subsection 79-79z-6), and the Rules and Regulations thereunder as in effect on July 1, 1989.

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts" as used in Section 130.270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130.270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted by the Securities Department or any

## NOTICE OF ADOPTED AMENDMENT(S)

person so designated as a substitute hearing officer.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986, ~~1954, as amended~~ (26 U.S.C. subsection 1-9602 9042), and the Rules and Regulations thereunder, as in effect on July 1, 1989.

"Investors Protection Act of 1970" means the Investor Protection Act of 1970 (15 U.S.C. Sec. 78aaa et seq.), as in effect on July 1, 1989.

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

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"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person he is an underwriter.

"Promoter" means

any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this subsection perhaps if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, or television or other communications medium, which offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this Section) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

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"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person he is an underwriter.

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in this Section, known as the "National Association of Securities Dealers, Inc."

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"Office", unless otherwise clarified, refers to the Office of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any or principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.



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communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary of State, by the Rules in this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR Part I Sec. 1.20 as in effect on July 1, 1989 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR Part I Sec. 1.31 et seq. as in effect on July 1, 1989 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the subject of the application for registration.

"Rules and Regulations" refers to all rules and regulations adopted by the Secretary of State pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" or "Secretary" means the Secretary of State of Illinois.

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"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to 17 CFR Part I Sec. 1.20 as in effect on July 1, 1989 (no subsequent amendments or editions).

"Significant Subsidiary" means a subsidiary where the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other

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that are defined in subsection (b) of this Section as incidental to such person's futures-related business.

b) Provided that the futures commission merchant:

1) maintains in a regulated account as set forth in 17 CFR Part I Sec. 1.20 as in effect on July 1, 1989 (no subsequent amendments or editions) all funds and securities associated with such government securities transactions (except funds and securities associated with transactions under subsection (b)(2)(A)(i) of this Section); and

2) does not advertise that it is in the business of effecting transactions in government securities otherwise than in connection with futures or options on futures trading or the investment of margin or excess funds related to such trading or the trading of any other instrument subject to CFTC jurisdiction.

3) The following transactions in government securities are incidental to the futures-related business of such a futures commission merchant:

A) Transactions as agent for a customer:

- i) to effect delivery pursuant to a futures contract; or
- ii) for risk reduction or arbitrage of existing or contemporaneously created positions in futures or options on futures.

B) Transactions as agent for a customer for investment of margin and excess funds related to futures or options on futures trading or the trading of other instruments subject to CFTC jurisdiction, provided further that:

- i) such transactions involve Treasury securities with a maturity of less than 93 days at the time of the transaction;
- ii) such transactions generate no monetary profit for the futures commission merchant in excess of the costs of

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executing such transactions; or

iii) such transactions are unsolicited, and commissions and other income generated on transactions pursuant to this subsection (iii) (including transactional fees paid by the futures commission merchant and charged to its customer) do not exceed 2% of such futures commission merchant's total commission revenues.

C) Exchange of futures for physicals transactions as agent for or as principal with a customer; and

D) Any transaction or transactions that the SEC exempts, either unconditionally or on specified terms and conditions, as incidental to the futures-related business of a specified futures commission merchant, a specified category of futures commission merchants, or futures commission merchants generally.

c) A person registered with the CFTC, a contract market designated by the CFTC under Section 5 of the Federal 1936 Act, as defined in Section 130.200 of this Part, such a contract market's affiliated clearing organization, or any floor trader on such a contract market (hereinafter referred to collectively as a "CFTC-regulated person") is not a dealer solely because such person effects transactions for its own account in government securities that are defined in subsection (d) of this Section as incidental to such person's futures-related business.

d) Provided that a CFTC-regulated person does not advertise or otherwise hold itself out as a dealer except as permitted by 17 CFR 230.3a43-1 as in effect on July 1, 1989 (no subsequent amendments or editions), the following transactions in government securities for its own account are incidental to the futures-related business of such a CFTC-regulated person:

1) Transactions to effect delivery of a government security pursuant to a futures contract;

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2) Exchange of futures for physicals transactions  
with:

A) a dealer that has registered with the SEC or  
filed notice pursuant to Section 15C(a) of  
the Federal 1934 Act, as defined in Section  
130.200 of this Part; or

B) a CFTC-regulated person.

3) Transactions (including repurchase agreements and  
reverse repurchase agreements) involving  
segregated customer funds and securities or funds  
and securities held by a clearing organization  
with:

A) a dealer that has registered with the SEC or  
filed notice pursuant to Section 15C(a) of  
the Federal 1934 Act, as defined in Section  
130.200 of this Part; or

B) a bank.

4) Transactions for risk reduction or arbitrage of  
existing or contemporaneously created positions in  
futures or options on futures with:

A) a dealer that has filed notice pursuant to  
Section 15C(a) of the Federal 1934 Act, as  
defined in Section 130.200 of this Part; or

B) a CFTC-regulated person.

5) Repurchase and reverse repurchase agreement  
transactions between a futures commission merchant  
acting in a proprietary capacity and another  
CFTC-regulated person acting in a proprietary  
capacity and contemporaneous offsetting  
transactions between such a futures commission  
merchant with:

A) a dealer that has registered with the SEC or  
filed notice pursuant to Section 15C(a) of  
the Federal 1934 Act, as defined in Section  
130.200 of this Part;

B) a bank; or

C) a CFTC-regulated person.

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6) Any transaction or transactions that the SEC  
exempts, either unconditionally or on specified  
terms and conditions, as incidental to the futures  
related business of a specified CFTC-regulated  
person, a specified category of CFTC-regulated  
persons, or CFTC-regulated persons generally.  
(Source: Added at 14 Ill. Reg. 884, effective  
Dec. 30, 1989)

Section 130.280 Definition of the Term "Branch Office", as used  
in Section 8 of the Act

a) "Branch office" as used in Section 8 of the Act shall  
mean any an office, residence or other place  
or location in this state where of the  
business of a registered dealer or registered  
investment adviser is being conducted and which is  
located in this state which:

1) in the case of a registered dealer, is owned or  
controlled by, or operated directly or indirectly  
for the benefit of, the registered dealer, and  
where the business of a dealer is conducted by a  
principal, salesperson or salespersons for such  
registered dealer; or

2) in the case of a registered investment adviser, is  
owned or controlled by, or operated directly or  
indirectly for the benefit of, the registered  
investment adviser, and where the business of an  
investment adviser is conducted by a principal,  
adviser representative or employee or  
employees of such registered investment adviser  
authorized to render investment advice.

b) The principal office located in this State of the  
registered dealer or registered investment adviser, if  
any, shall not be considered a branch office be  
considered a branch office so long as the office  
satisfies the requirements of paragraph (a) above or  
(b) above as the case may be.

c) Except as otherwise provided in subsection (b) of this  
Section, for purposes of this Section, each office,  
residence or other place or location where business is  
being conducted in this State on behalf of a registered  
dealer and registered investment adviser shall be

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considered a branch office for the registered dealer and the registered investment adviser.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

## SUBPART D: EXEMPT TRANSACTIONS

Section 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

- a) Any registered dealer who wishes to apply for trading authorization pursuant to Section 4(F)(2) of the Act shall apply on a form and in the manner prescribed by the Secretary.
- b) The application shall consist of the following:
- 1) Illinois Form 4(F)(2), Application for Secondary Trading Authorization;
  - 2) The required non-refundable filing fee as required by Section 130.110 of this Part;
  - 3) Audited financial statements of the issuer covering its last three (3) fiscal years or such lesser period, but not less than one year, during which the issuer was incorporated or otherwise organized;
  - 4) Illinois Form 4F2-K (otherwise known as the annual report); and
  - 5) Any other information or documents which the applicant may file as a part of the application for secondary trading authorization.
- c) The application form shall contain the following information:
- 1) The name, address and telephone number of the issuer's principal office;
  - 2) The name, address and telephone number of the correspondent to whom notices and communications regarding the application should be sent;
  - 3) The name and address of the registered dealer applicant;

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- 4) A description of the securities for which secondary trading authorization is sought including the current price and number of units or shares outstanding;
- 5) The year the business was organized, the form of the organization, the state or other jurisdiction where it was organized and affiliation with other business entities;
- 6) A general description of the issuer's business including the nature and general competitive conditions in the industry;
- 7) A description of the issuer's property, including the location and general character of the important physical properties or assets of the issuer as referenced in 17 CFR 229.102 as in effect on July 1, 1989 (no subsequent amendments or editions);
- 8) A description of any pending or contemplated legal proceedings, other than routine litigation incidental to business, to which the issuer or any of its subsidiaries are a party or of which any property is the subject as referenced in 17 CFR 229.103 as in effect on July 1, 1989 (no subsequent amendments or editions);
- 9) A list of the names, addresses and ages of all directors and officers of the issuer including the position held and their business experience and background;
- 10) The total gross remuneration of all directors and officers of the issuer;
- 11) A list of the title of class, the name of the beneficial owner, the amount and nature of beneficial ownership and the percent of class for all directors and officers and any person owning more than five (5) percent of any class of the issuer's securities;
- 12) A description of any transaction or proposed transaction since the issuer's last fiscal year, in which the issuer and any director, officer or beneficial owner of five (5) percent or more of

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the form required by Section 5(A)(2)  
5-A-(2) of the Act:

- A) One copy of the registration statement (without exhibits) which sets forth the title of the securities, price or proposed offering price, and the aggregate number of units to be offered by the registration statement prospectus on file with the SEC Securities-and-Exchange-Commission in its most recent form as of the date of the initial filing under Section 5(A) 5-A of the Act;
- B) The consent to service of process on Form U-2 as provided in Appendix A or Illinois Form 10, if required by Section 5(A)(2)(b) of the Act;
- C) A completed Application to Register Securities on Form U-1 as provided in Appendix B, executed by the applicant, if a natural person; or by a general partner, if the applicant is be a partnership only; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the securities to be registered, the total offering of securities in number and dollar amount, the offering of securities in number and dollar amount to be offered in this State, the offering price or proposed offering price and of the securities, the number-of-units-to-be-registered-pursuant-to the-Application, the proposed maximum aggregate price and the proposed maximum aggregate price in this State therefor as defined in Section 130.251 of this Part and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC Securities-and-Exchange-Commission as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application; and

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D) If the applicant is not a registered dealer, the name of at least one registered dealer for the securities being registered (except that, in the case of securities being offered and sold on a delayed or continuous basis pursuant to 17 CFR 230.415 as in effect on July 1, 1989 (no subsequent amendments or editions), the name of the registered dealer may be furnished no later than the close of business on the second business day following the commencement of sales of the registered securities), or if no registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

E) ~~D~~ The filing registration fee required by Section 5(C)(1) 5-C-(1) of the Act in the form and amount required by Section 130.110 of this Part.

- 2) The completed Application to Register Securities on Form U-1 shall constitute the application statement and the undertaking called for Sections 5(A)(2)(c) 5-A-(2)-(c) and 5(A)(2)(d) -5-A-(2)-(d), respectively, of the Act, except that

A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven calendar days after the forwarding thereof to the SEC Securities-and-Exchange-Commission,

B) Only amendments to the federal registration statement which amend or supplement the registration statement ~~initial~~ prospectus-as-defined-in-Section-5-A-(2)-(a) of-the-Act need be filed pursuant to paragraph 9(b)(i) of the Application and

C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.

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b) If, prior to the effective date, there shall have been filed with the Securities Department in Springfield shall have received all of the documents and fees specified in subsection paragraph (a) of this Section, registration of securities under Section 5(A) 5-A of the Act shall become effective automatically on the effective date, provided that:

1) The application for registration is not then the subject of pending proceedings under Section 11(F) 11-F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

2) At least one of the following events shall have occurred on or before the effective date:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application or

B) At least ten (10) business days shall have expired from and including the date on which the Securities Department in Springfield was in receipt of all of the documents and fees specified in subsection paragraph (a) of this Section have been filed with or paid to the Securities Department.

3) Notwithstanding the foregoing it none of the events specified in this subparagraph (2) has occurred on or before the effective date registration under Section 5-A of the Act shall take effect no later than the day from and including the day upon which the registration becomes effective retroactive to the effective date of the other conditions specified in this paragraph (b) are satisfied on such day.

c) If the Securities Department in Springfield shall not have received, prior to the effective date, all of the documents specified in subsection

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paragraph (a) of this Section shall not have been filed with the Securities Department, the registration under Section 5(A) 5-A of the Act shall take effect on the date that all of the following conditions are satisfied:

1) The Securities Department in Springfield shall have received all of the documents and fees specified in subsection paragraph (a) of this Section shall have been filed with or paid to the Securities Department;

2) The application for registration is not then the subject of pending proceedings under Section 11(F) 11-F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic or facsimile transmission), which either:

A) states that no securities which are part of the offering being registered have been sold in this State, or

B) if securities which are part of the offering being registered have been sold in this State, that sets forth the name and address of each purchaser of such securities, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making each such sale.

4) At least one of the following events shall have occurred:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application or



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- ~~B)E)~~ At least ten (10) business seven days shall have expired from and including the date on which the Securities Department in Springfield was in receipt of all of the documents and fees specified in subsection paragraph (a) of this Section have been filed with or paid to the Securities Department; and
- 5)4) There shall have been filed with the The Securities Department in Springfield shall have received a statement from the applicant, in writing (which may be by telegraphic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration under Section 5(A) 5-A of the Act is to take effect, stating that
- A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect and
- B) The registration statement prospectus, including any amendments or supplements thereto, then on file with the Securities Department Secretary of State satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.
- d) The applicant shall file with notify the Securities Department in Springfield, a notice in writing (which may be by telegraphic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 5(A) 5-A of the Act shall take effect, of:
- ~~1)---If the applicant is not a registered dealer, the name of at least one registered dealer for the securities being registered (except that, in the case of securities being offered and sold on a delayed or continuous basis pursuant to Rule 415 under the Federal 1933 Act, 17-C.F.R. Section 230.415, the name of the registered dealer may be furnished no later than the close of business on the second business day following the commencement of sales of the registered securities), or if no~~

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- ~~registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act;~~
- 1)2) The offering price(s) (provided, that if the offering is to be made on a delayed or continuous basis pursuant to Rule 415 under the Federal 1933 Act, 17 CFR E.F.R. Section 230.415, as defined in Section 130.200 of this Part, the offering price(s) need only be furnished if known to applicant, and if not indicated in documents already on file with the Securities Department); and
- 2)3) The date and time that the registration statement or, if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) ~~No offering of securities shall be registered under Section 5(A) of the Act if, prior to the effective date, all of the securities which are part of the offering being registered have been sold. The Secretary shall require, in any case where it appears that this subsection (e) may be violated, an affidavit to the effect that securities which are part of the offering remain available for sale.~~
- f) ~~The issuer, controlling person or registered dealer, who filed the application may petition the Securities Department, in writing, prior to effectiveness of the registration of the securities under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of securities under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of securities shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the~~

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(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6(A) 6-A of the Act

a) Filing requirements.

- 1) Application for registration of Face Amount Certificate Contracts pursuant to Section 6(A) 6-A of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 6(A)(2) 6-A-(2) of the Act:
  - A) One copy of the registration statement (without exhibits) which sets forth the title of the face amount certificate contracts, price or proposed offering price, and the aggregate number of units to be offered by the registration statement prospectus on file with the SEC Securities-and-Exchange-Commission in its most recent form as of the date of the initial filing under Section 6(A) 6-A of the Act;
  - B) The consent to service of process on Form U-2 or Illinois Form 10, if any, required by Section 6(A)(2)(b) 6-A-(2)(b) of the Act; and
  - C) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant is be a partnership ~~-only~~; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of every series, type or class of face amount certificate contracts to be registered pursuant to the Application, and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC Securities-and-Exchange-Commission as its

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"effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application; and

- D) If the applicant is not a registered dealer, the name of at least one registered dealer for the face amount certificate contracts being registered, or if no registered dealer is participating in the offering, a description of the method by which the face amount certificate contracts being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and
  - E) ~~B)~~ The filing registration fee required by Section 6(C) -6-E of the Act in the form and amount required by Section 130.110 of this Part.
- 2) The completed Application to Register Securities on Form U-1 shall constitute the application statement and the undertaking called for by Sections 6(A)(2)(c) 6-A-(2)(c) and 6(A)(2)(d) 6-A-(2)(d), respectively, of the Act, except that
    - A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven (7) calendar days after the forwarding thereof to the SEC Securities-and-Exchange-Commission,
    - B) Only amendments to the federal registration statement which amend or supplement the registration statement initial prospectus-as-defined-in-Section-6-A-(2)(a) of-the-Act need be filed pursuant to paragraph 9(b)(i) of the Application and
    - C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.
- b) If, prior to the effective date, there shall have been filed with the Securities Department in-Springfield shall-have-received all of the documents and fees

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specified in subsection paragraph (a) of this Section, registration of face amount certificate contracts under Section 6(A) 6-A of the Act shall become effective automatically on the effective date; provided that:

1) The application for registration is not then the subject of pending proceedings under Section 11(F) 11-F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

2) At least one of the following events shall have occurred on or before the effective date:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application; or

B) At least ten (10) business days shall have expired from and including the date on which the Securities Department in paragraph (a) of this subsection paragraph (a) of this Section have been filed with or paid to the Securities Department.

3) Notwithstanding the foregoing if none of the events specified in this subparagraph (2) has occurred on or before the effective date registration under Section 6-A of the Act shall take effect no later than the 6th day from and including the day upon which the registration becomes effective retroactive to the effective date set forth as the other conditions specified in this paragraph (3) are satisfied on such day

c) If the Securities Department in paragraph (a) of this Section shall not have received, prior to the effective date, all of the documents specified in subsection paragraph (a) of this Section shall not have been filed with the Securities Department, the registration

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under Section 6(A) 6-A of the Act shall take effect on the date that all of the following conditions are satisfied:

1) All the Securities Department shall have received at of the documents and fees specified in subsection paragraph (a) of this Section shall have been filed with or paid to the Securities Department;

2) The application for registration is not then the subject of pending proceedings under Section 11(F) 11-F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic or facsimile transmission), which either:

A) States that no face amount certificate contracts which are part of the offering being registered have been sold in this State, or

B) If face amount certificate contracts which are a part of the offering have been sold in this State, that sets forth the name and address of each purchaser of such face amount certificate contract, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making such sale.

4) At least one of the following events shall have occurred:

A) The Securities Department of the State shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application; or

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- B)E At least ten (10) business ~~seven~~ days shall have expired from and including the date on which ~~the Securities Department in Springfield was in receipt~~ of all of the documents and fees specified in subsection paragraph (a) of this Section have been filed with or paid to the Securities Department; and
- 5)4 There shall have been filed with the ~~The Securities Department in Springfield shall have received~~ a statement from the applicant, in writing (which may be by telegraphic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration under Section 6(A) 6-A of the Act is to take effect, stating that
- A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect and
- B) The registration statement prospectus, including any amendments or supplements thereto, then on file with the Securities Department Secretary of State satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.
- d) The applicant shall file a notice with notify the Securities Department ~~in Springfield~~, in writing (which may be by telegraphic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 6(A) 6-A of the Act shall take effect, of :
- ~~1)---If the applicant is not a registered dealer, the name of at least one registered dealer for the face amount certificate contracts being registered, or if no registered dealer is participating in the offering, a description of the method by which the face amount certificate contracts being registered will be offered and sold in Illinois in compliance with Section 8 of the Act, and~~

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- ~~2)the~~ The date and time that the registration statement, or, if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) Any amendment to a registration under Section 6(A) 6-A of the Act to add any series, type or class of face amount certificate contracts shall be filed with the Securities Department in Springfield prior to the offer or sale of the additional series, type or class of face amount certificate contracts in this State. Such amendment shall be accompanied by the additional registration fee required by Section 6(E) 6-F of the Act in the form and amount required by Section 130.110 of this Part.
- f) The issuer, controlling person or registered dealer who filed the application may petition the Securities Department in writing prior to effectiveness of the registration of the face amount certificate contracts under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of the face amount certificate contracts under the Act, if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of the face amount certificate contracts shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application provided that such person has satisfied all of the other requirements of the Act and this Section.
- (Source: Amended at 14 Ill. Reg. 884, effective December 30, 1989)
- Section 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act
- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration

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- 1) Application for registration of investment fund shares pursuant to Section 7(A) 7-A of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 7(A)(2) 7-A-(2) of the Act:
- A) One copy of the registration statement (without exhibits) which sets forth the title of the investment fund shares, price or proposed offering price, and the aggregate number of units to be offered by the registration statement prospectus on file with the SEC Securities-and-Exchange-Commission in its most recent form as of the date of the initial filing under Section 7(A) 7-A of the Act;
- B) The consent to service of process on Form U-2 or Illinois Form 10, if any, required by Section 7(A)(2)(b) 7-A-(2)-(b) of the Act; and
- C) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant is be a partnership -only; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the investment fund shares to be offered in this State and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC Securities-and-Exchange Commission as its "effective date" as defined in Section 2.13 of the Act, specifying such date as the "effective date" for purposes of paragraph 6 of the Application; and
- D) If the applicant is not a registered dealer, the name of at least one registered dealer for the investment fund shares being registered, or if no registered dealer is participating in the offering, a description of the method by which the investment fund shares being registered will be offered and

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- sold in Illinois in compliance with Section 8 of the Act; and
- E) D) The filing registration fee required by Section 7(C) 7-E of the Act in the form and amount required by Section 130.110 of this Part.
- 2) The completed Application to Register Securities on Form U-1 shall constitute the application statement and the undertaking called for by Sections 7(A)(2)(c) 7-A-(2)-(c) and 7(A)(2)(d) 7-A-(2)-(d), respectively, of the Act, except that
- A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven (7) calendar days after the forwarding thereof to the SEC Securities-and-Exchange-Commission,
- B) Only amendments to the federal registration statement which amend or supplement the registration statement initial prospectus-as-defined-in-Section-7-A-(2)-(a) of the Act need be filed pursuant to paragraph 9(b)(i) of the Application and
- C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.
- b) If, prior to the effective date, there shall have been filed with the Securities Department in Springfield shall-have-received all of the documents and fees specified in subsection paragraph (a) of this Section, registration of Investment Fund Shares under Section 7(A) 7-A of the Act shall become effective automatically on the effective date, provided that:
- 1) The application for registration is not then the subject of pending proceedings under Section 11(F) 11-F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

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2) At least one of the following events shall have occurred on or before the effective date:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application; or

B) At least ten (10) business days shall have expired from and including the date on which all of the documents and fees specified in subsection (a) of this Section have been filed with or paid to the Securities Department in specified was in receipt of the specified documents and fees in paragraph (a) of this Section.

3) ---Notwithstanding the foregoing none of the events specified in this subparagraph (2) has occurred on or before the effective date, registration under Section 7-A of the Act shall take effect no later than the day from and including the day upon which the registration becomes effective to the effective date, so long as the other conditions specified in this paragraph (b) are satisfied on such day.

C) If the Securities Department in Springfield shall not have received, prior to the effective date, all of the documents specified in subsection (a) of this Section shall not have been filed with the Securities Department, the registration under Section 7(A) of the Act shall take effect on the date that all of the following conditions are satisfied:

1) All the Securities Department in Springfield shall have received all of the documents and fees specified in subsection paragraph (a) of this Section shall have been filed with or paid to the Securities Department;

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2) The application for registration is not then the subject of pending proceedings under Section 11(F) of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and

3) There shall have been filed with the Securities Department a statement from the applicant in writing (which may be by telegraphic or facsimile transmission), which either:

A) States that no investment fund shares which are part of the offering being registered have been sold in this State or

B) If investment fund shares which are a part of the offering have been sold in this State, that sets forth the name and address of each purchaser of such investment fund shares, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making such sale.

4) At least one of the following events shall have occurred:

A) The Securities Department shall have notified the applicant, in writing (which may be by telegraphic or facsimile transmission), that such documents and fees conform to the requirements of the Act and this Part; or

B) The Secretary of State shall have issued an order granting effectiveness to the application; or

B) At least ten (10) business days shall have expired from and including the date on which the Securities Department in Springfield was in receipt of all of the documents and fees specified in subsection paragraph (a) of this Section have been filed with the Securities Department; and

5) There shall have been filed with the Securities Department in Springfield the statement from the



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applicant, in writing (which may be by telegraphic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration statement under Section 7(A) 7-A of the Act is to take effect, stating that

- A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect and
- B) The registration statement prospectus, including any amendments or supplements thereto, then on file with the Securities Department Secretary of State satisfies the requirements of Section 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.
- d) The applicant shall file notice with notify the Securities Department in Springfield, in writing (which may be by telegraphic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 7(A) 7-A of the Act shall take effect, of +
- 1)---if-the-applicant-is-not-a-registered-dealer, the-name-of-at-least-one-registered-dealer-for-the-investment-fund-shares-being-registered-or-if-no-registered-dealer-is-participating-in-the-offering, a-description-of-the-method-by-which-the-investment-fund-shares-being-registered-will-be-offered-and-sold-in-Illinois-in-compliance-with-Section-8-of-the-Act, and
- 2) the date and time that the registration statement, or, if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) Any amendment to a registration under Section 7(A) 7-A of the Act to add any class or classes of shares of the same rank, general description and characteristics of the investment fund shares

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previously registered shall be filed with the Securities Department in Springfield prior to the offer or sale of the additional class or classes of investment fund shares in this State. Such amendment shall be accompanied by the additional registration fee required by Section 7(D) 7-D of the Act in the form and amount specified in Section 130.110 of this Part.

- f) The issuer, controlling person or registered dealer who filed the application may petition the Securities Department in writing prior to the effectiveness of the registration of the investment fund shares under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of the investment fund shares under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of the investment fund shares shall become effective automatically on such date as shall be designated in writing by the issuer, controlling person or registered dealer who filed the application, provided that such person has satisfied all of the requirements of the Act and this Section.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

Section 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

- a) Unless and until the registration of investment fund shares is suspended or terminated, the application for registration may be amended by the registrant by filing Illinois Form 7D-7E. The registrant shall file an amendatory statement together with a nonrefundable filing fee set forth in Section 130.110 of this Part for each amendatory statement filed during the registration period.
- b) The amendatory statement shall be filed in the following circumstances:

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- 1) the applicant has been granted a waiver of concurrent effectiveness under Section 7(A)(7) of the Act; or
  - 2) the additional fee, if paid, would render the applicant insolvent as defined in Section 130.200 of this Part.
- d) For the purposes of this Section, two (2) business days shall mean two (2) business days from the date of SEC effectiveness unless the offering is declared effective on a Saturday, Sunday or a holiday. If the date of SEC effectiveness is a Saturday, Sunday or a holiday, two (2) business days means two (2) business days after the first business day immediately following the Saturday, Sunday or holiday.

(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989.)

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.810 Procedures for Registration as a Dealer Under Section 8(B) of the Act ~~7-Officer and Salesperson Examination and Registration Requirements~~

~~No person shall be registered as a dealer, and no person shall be registered as a salesperson~~ unless satisfactory evidence shall have been furnished to the Secretary of State of the trustworthiness of the applicant and the applicant's officers, directors, partners, principal, members or trustees. ~~No person shall be registered as a dealer or salesperson~~ until that person shall have given evidence of competency to engage in the business of dealing in, buying or selling securities. ~~Every An person or officer of a dealer, who sells securities in this State state,~~ shall be deemed to be a salesperson and must be registered as such in accordance with Section 8(C) of the Act.

- a) Each applicant for registration as a dealer shall deliver to the NASD Form BD as provided in Appendix C if already on file with the NASD, the requisite amendment which indicates that an application is on file in this State and pay to the NASD the registration fee specified in Section 130.110 of this Part.
- b) Each applicant for registration as a dealer shall file with the Securities Department a complete and current

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application and pay to the Securities Department the branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:

- 1) Form BD together with Schedule E thereto listing each branch office in this State, if any;
- 2) A Consent to Service of Process for the applicant on Uniform Form U-2, or Illinois Form 10 or the Consent set forth in Form BD, if any, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 3) An unaudited balance sheet for the applicant verified by the chief financial officer of the dealer or other person who holds a similar position as of a date not more than sixty (60) days prior to the date that the application is deemed to be filed with the Securities Department and applicable computations which demonstrate compliance with Section 130.826 of this Part as of the date of the balance sheet, together with the most recent statement of financial condition, income statement or other financial statement of the dealer certified by an independent certified public accountant, if any;
- 4) One copy of the Illinois Form designating each Illinois principal of the dealer;
- 5) One copy of the Illinois Form designating the dealer's accountant and the dealer's annual audit date;
- 6) One copy of the Illinois Form containing an attestation that the dealer did not engage in the sale of securities in this State during the last five (5) years immediately preceding the filing of the application, or setting forth a claim of exemption for each sale of securities in the State;
- 7) One copy of the Illinois Form setting forth the dealer's minimum net capital requirement;
- 8) One copy of each subordinated loan agreement or the form as provided in Appendix D, and any agreement between the dealer and an officer, director,

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securities-in-interest: all of the principals and individuals who, on behalf of the applicant, participate in or are responsible for the sale of securities in this State are required to take such an examination the-securities-beater Examination on behalf of the applicant. Each registered dealer shall amend the list not later than ten (10) business days after any change of any principal or principals the-individuals.

d) At or prior to registration of the dealer, there must be on file with the Securities Department whether through the CRD or otherwise, the following:

1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this part for each principal required to take such examination pursuant to subsection (c) of this section, unless the Secretary shall have issued an order waiving such examination requirements pursuant to Section 130.823 of this Part and Section 8(B)(9) of the Act;

2) A Form U-4 for each officer and director or each other person performing a similar function of the applicant who is required to register as a salesperson as provided in this section, and a page (2) of Form U-4 for each other officer or director of the applicant;

3) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this section, whether as the result of a change in the information provided since the date of filing, or otherwise; and

4) In the case of a dealer which is not a member of the NASD, an application for registration of a salesperson on Form U-4. The Securities Department shall grant concurrent registration of a salesperson pursuant to such application upon the registration of the dealer unless such person is ineligible for registration under Section 8(E)(1) of the Act. At least one salesperson must be registered on behalf of a dealer which is an NASD member by the Securities Department within ten (10) days after the grant of registration. Notwithstanding the foregoing, any dealer which

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partner or manager of the dealer or other person; which loan agreement, if any, shall be in the form required by the NASD;

9) One copy of the most current form of applicant's Articles of Incorporation and By-Laws, or Partnership Agreement, as applicable, or such other document, if any, by which an applicant that is not a natural person was formed;

10) If the applicant will not have its principal office in this State and intends to keep the records required under Section 130.825 of this Part outside of this State, one copy of the Illinois Form requesting a waiver of the requirement to maintain its records in this State;

11) Page (2) of Form U-4 for each officer and director of the dealer, except that for applicants that are members of the NASD, such page (2) need only be submitted for those officers and directors for whom a Form U-4 has not been filed with the Securities Department on behalf of the applicant though the CRD; and

12) Any other information or document that the Securities Department may require to determine the dealer's business repute or to clarify statements made in the application for registration.

c)at Each person applying for registration as a dealer or salesperson shall give evidence of competency to engage in the business of dealing in, buying or selling securities by passing one of the examinations listed in Section 130.822 of this Part the-securities-beater Examination by a score of 70% correct, or the-securities-beater Examination by a score of 70% or more to demonstrate to the Secretary of State that the principal or principals have he-or-she-has sufficient knowledge of the securities business and the laws relating thereto to be a dealer or salesperson. In the case of a person, other than a natural person an-individual, filing an application for registration as a dealer, the applicant shall furnish a list of officers, directors, partners, managers and other individuals who, on behalf of the applicant, participate-in-or-are-responsible-for-the-sale-of

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effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

e) Upon the grant of registration of a dealer, the Securities Department shall send to the dealer a certificate as evidence of such registration. The certificate shall be displayed in the dealer's principal office in this State, and a facsimile thereof shall be displayed in each other office in this State, in each case, in a location conspicuous to the public. If the dealer has no office in this State, the certificate shall be so displayed at the dealer's principal place of business.

f) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the NASD, if the dealer is a member of the NASD or with the Securities Department if the dealer is not a member of the NASD, within ten (10) business days after the occurrence of the change.

e)---The Securities Dealer Examination and Securities Salesperson Examination shall be in a form prescribed by the Secretary of State.---Notwithstanding anything to the contrary contained herein, the Secretary of State may examine any or all applicants orally, either prior to, or subsequent to, the written examination or in lieu thereof.---The examination may be conducted at a place and time as the Secretary of State may designate.---An oral examination may be conducted when the applicant is physically handicapped to the extent that the examination cannot be manually written.

d)---Prior to the examination each applicant shall submit a complete application for registration, together with its accompanying documents and its registration fee.---The examination fee shall be paid prior to the time the applicant is enrolled to take the examination.---An individual failing the Securities Dealer Examination or the Securities Salesperson Examination may enroll to take the examination no sooner than one calendar month after failing it once, no sooner than 2 calendar months after failing it twice in succession, and no sooner than 3 calendar months after failing three times in succession.

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1)---Failure to pass either of the examinations four times in succession is evidence that the applicant lacks the necessary degree of competency to engage in the business of dealing in or selling securities and is prima facie grounds to deny an application for registration as a securities dealer or securities salesperson.

2)---After the fourth successive failure, an applicant may submit a written request, no sooner than 3 months after the fourth successive failure, to be enrolled for the examination if such request is accompanied by an explanation of the type of preparation and study the applicant has undertaken and completed for the retake examination. Preparation and study must include business course and/or secondary school courses related to finance, or the securities business or a training program with a securities dealer who is registered under the Act.

e)---The Secretary of State may, by rule, regulation or order, designate examinations of securities dealers and securities salespersons which are administered by other regulatory or quasi-regulatory authorities, or by private organizations, which are as comprehensive as the Securities Dealer Examination or the Securities Salesperson Examination, as the equivalent thereof. Examinations which are given by the New York Stock Exchange, the Midwest Stock Exchange, the National Association of Securities Dealers, the Securities and Exchange Commission, and various states having examinations designated by the Secretary of State to be as comprehensive as the Securities Dealer Examination or the Securities Salesperson Examination, which states grant reciprocity by agreeing to accept the Securities Dealer Examination or the Securities Salesperson Examination as the equivalent of their own examinations, are deemed the equivalent of the Securities Dealer Examination or the Securities Salesperson Examination.

g) f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD Central Registration Depository, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8(B) and 8(C) of the

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been filed with the Securities Department and, such fee, if any, has been paid.

- d) The registered dealer shall amend its application for registration by filing one copy of the Illinois Form designating branch offices or Schedule E to Form BD with the NASD and the Securities Department in Springfield within ten (10) business days after:

- 1) the opening of any branch office in this State not previously reported and, setting forth the address of such branch office; and pay-any-required-fee-in-the-form-and-amount specified-in-Section-130.110-of-this-Part.
- 2) the closing of any branch office in this State and setting forth the address of such branch office.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

Section 130.826 Registered Dealer Net Capital Requirements Requirement

- a) No registered dealer registered-by-the-Secretary of-State shall permit its aggregate indebtedness to all other persons to exceed 1500% of its net capital unless it meets the conditions of and elects to utilize the alternative method for computation set forth in 17 CFR 240.15c3-1 as in effect on July 1, 1989 (no subsequent amendments or editions). No dealer electing to use such alternative method shall permit its net capital to fall below two (2) percent of aggregate debit items as computed in accordance with 17 CFR 240.15c3-3(a) as in effect on July 1, 1989 (no subsequent amendments or editions).
- b) In addition to meeting the requirement set forth in subsection (a) of this Section, a dealer subject to the aggregate indebtedness method of net capital computation shall:
  - 1) If engaged in a general securities business (that is, a securities business that is not described in subsection (2) or (3) of this subsection (b)), in all cases maintain net capital of not less than \$25,000.00;

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- 2) If the dealer does not hold funds or securities for, or owe money or securities to, customers and does not carry accounts of, or for, customers (except as described in 17 CFR 240.15c3-1(a)(2)(v) as in effect on July 1, 1989 (no subsequent amendments or editions)), and otherwise meets the conditions of and limits its securities activities to those described in 17 CFR 240.15c3-1(a)(2) as in effect on July 1, 1989 (no subsequent amendments or editions), in all cases maintain minimum net capital of not less \$5,000.00;
- 3) If the dealer is engaged, in the manner described in 17 CFR 240.15c3-1(a)(3) as in effect on July 1, 1989 (no subsequent amendments or editions), solely in transactions in redeemable shares of registered investment companies and of interests or participations in an insurance company separate account and certain related transactions described in 17 CFR 240.15c3-1(a)(3) as in effect on July 1, 1989 (no subsequent amendments or editions), in all cases maintain net capital of not less than \$2,500.00; and
- 4) If the dealer acts as a market maker, in all cases, maintain net capital of not less than the greater of \$25,000.00 or \$2,500.00 per security in which the dealer makes a market (unless a security in which the dealer makes a market has a market value of \$5.00 or less in which event the amount of net capital shall be not less than \$500.00 for each such security) based on the average number of such markets made by such dealer during the 30 days immediately preceding the computation date, except that no dealer shall be required, by virtue of this subsection (4), to maintain net capital in excess of \$100,000.00.
- c) A dealer electing to utilize the alternative method for computation set forth in 17 CFR 240.15c3-1(f) as in effect on July 1, 1989 (no subsequent amendments or editions), shall, in addition to meeting the requirement set forth in subsection (a) of this Section, maintain net capital of not less than \$100,000.00 or, in the case of a dealer effecting transactions solely in municipal securities, of not less than \$25,000.00.

- d) Each Every dealer shall make the

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applicable computations set forth in subsections (a), (b) or (c) of this Section made-a-computation-of net-capital-and-rate-of-aggregate-indebtedness-to-net capital not less than monthly and shall preserve such net-capital computations as part of the records required by Section 130.825 of this Part.

e) A registered dealer which holds funds or securities for, or owes money or securities to, customers and carries accounts of, or for, customers, except for those granted under the provisions of 17 CFR 240.15c3-1(a)(1) as in effect on July 1, 1989 (no subsequent amendments or editions), shall meet the provisions of 17 CFR 240.15c3-3 as in effect on July 1, 1989 (no subsequent amendments or editions), unless otherwise exempt pursuant to the provisions thereunder.

f) For the purpose of this Section and to insure uniform interpretation, the terms "aggregate indebtedness" and "net capital" of a dealer shall be computed as set out in 17 CFR 240.15c3-1 or 240.15c3-3(a) as in effect on July 1, 1989 (no subsequent amendments or editions) Rate-15c3-1-under-the Securities-Exchange-Act-of-1934. For the purpose of this Section, the terms "general securities business" and "market maker" shall be defined as set forth in 17 CFR 240.15c3-1 as in effect on July 1, 1989 (no subsequent amendments or editions).

g) The Secretary of State may exempt a dealer from the requirements of this Section a dealer-whether-satisfies-the-Secretary-of-State-that because of the special nature of business or financial position of the dealer and the safeguards that have been established for the protection of customers' funds and securities, and it is not necessary in the public interest or for the protection of investors for the dealer to be subject to the requirements of this Section.

(Source: Amended at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8(D) of the Act Advisers-Examinations and-Registration-Requirements

a) Each applicant for registration as an investment adviser shall file with the Securities Department

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complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following: 1) The Uniform Application for Investment Adviser Registration required by 17 CFR 279.1 as in effect on July 1, 1989 (no subsequent amendments or editions) including Schedule B thereto listing all branch offices in this state, if any;

2) A Consent to Service of Process for the investment adviser on the Uniform Application for Investment Adviser Registration required in subsection (a) (1) of this Section, Uniform Form U-2, or Illinois Form 10, unless the applicant is a corporation organized or authorized to transact business under the laws of this state;

3) A balance sheet for the investment adviser as of a date not more than sixty (60) days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:

A) an affirmation that the information is true and correct; and

B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept pre-payment of fees in excess of \$500.00 per client and six (6) or more months in advance;

4) One copy of the applicant's Articles of Incorporation or if a partnership, certificate of assumed name and a copy of any amendments thereto; 5) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD or otherwise, the following:

A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for



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each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8(D) of the Act; and

- B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing, or otherwise.
- 6) One copy of Form 8D(10) or Schedule D of the Uniform Application for Investment Adviser Registration, as required by subsection (a)(1) of this Section listing the name and address of each investment adviser representative who renders investment advice in this State on behalf of the applicant;
- 7) One copy of the Illinois Form containing the investment adviser's designated audit date, if other than fiscal year end;
- 8) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion;
- 9) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State; and
- 10) One copy of the Illinois Form containing an attestation from a principal, officer, general partner or sole proprietor that:
- A) he or she has read and understands the Act and this Part; and
- B) he or she will cause each investment adviser representative acting on behalf of the investment adviser in this State to read and understand the Act and this Part.

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- b) Upon the grant of registration of an investment adviser, the Securities Department shall send to the investment adviser a certificate as evidence of such registration. The certificate shall be displayed in the investment adviser's principal office in this State, if any, and a facsimile thereof shall be displayed in each branch office in this State, in each case, in a location conspicuous to the public. If the investment adviser has no office in this State, the certificate shall be so displayed at the investment adviser's principal place of business.
- c) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs which renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten (10) business days after the occurrence of the change.
- d) For purposes of this Section, material information includes, but is not limited to:
- 1) the name and address of the investment adviser;
  - 2) type of business organization of the investment adviser;
  - 3) disciplinary action concerning the investment adviser;
  - 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
  - 5) whether the investment adviser has discretion over clients' portfolios; or
  - 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.
- a)---No person shall be registered as an investment adviser unless satisfactory evidence shall have been furnished to the Secretary of State of the trustworthiness of the applicant, officers, directors,

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prospective client as provided by 17 CFR 275.204-3 as in effect on July 1, 1989 (no subsequent amendments or editions).

e) Other disclosures. Nothing in this Section shall relieve any investment adviser from any obligation pursuant to any provision of the Act or this Part or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this Section.

f) Definitions. For the purpose of this Section:

1) "contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services:

A) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts;

B) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or

C) any combination of the foregoing services.

2) "entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal; and

3) "investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of Section 15(c) of that Act, as defined in Section 130.200 of this Part.

(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

Section 130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

a) It shall constitute a fraudulent, deceptive or manipulative act, practice or course of business within

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2) Delivery of the statement required by subsection (1) of this subsection (b) need not be made in connection with entering into:

A) an investment company contract; or

B) a contract for impersonal advisory services.

c) Offer to deliver.

1) An investment adviser, except as provided in subsection (2) of this subsection (c), annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the statement required by this Section.

2) The delivery or offer required by subsection (1) of this subsection (c) need not be made to advisory clients receiving advisory services solely pursuant to:

A) an investment company contract; or

B) a contract for impersonal advisory services requiring a payment of less than \$200.00.

3) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in subsection (1) of this subsection (c) shall also be made at the time of entering into an advisory contract.

4) Any statement requested in writing by an advisory client pursuant to an offer required by this subsection (c) must be mailed or delivered within seven (7) days of the receipt of the request.

d) Omission of inapplicable information. If an investment adviser renders substantially different types of investment advisory services to different advisory clients, any information required may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or

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the meaning of Section 12(J)(3) of the Act for any investment adviser to fail to disclose to any client or prospective client all material facts with respect to:

- 1) A financial condition of the investment adviser such as insolvency or embezzlement, that impairs the ability of the investment adviser to meet contractual commitments to clients, if the investment adviser has discretionary authority (express or implied) or custody over such client's funds or securities, or requires prepayment of advisory fees of more than \$500.00 from such client and six (6) months or more in advance; or
- 2) A legal or disciplinary event that is material to an evaluation of the investment adviser's integrity or ability to meet contractual commitments to clients.

- b) It shall constitute a rebuttable presumption that the following legal or disciplinary events involving the investment adviser or a management person of the investment adviser (any of the foregoing being referred to hereafter in this Section as "person") that were not resolved in the person's favor or subsequently reversed, suspended or vacated are material within the meaning of subsection (a)(2) of this Section for a period of ten (10) years from the time of the event:
  - 1) A criminal or civil action in a court of competent jurisdiction in which the person:
    - A) was convicted, pleaded guilty or nolo contendere ("no contest") to a felony or misdemeanor, or is the named subject of a pending criminal proceeding (any of the foregoing referred to hereafter in this Section as "action"), and such action involved an investment related business; or fraud, false statements, or omissions; or wrongful taking of property; or bribery, forgery, counterfeiting or extortion;
    - B) was found to have violated or caused the violation of an investment related statute or regulation; or
    - C) was the subject of any order, judgment or decree permanently or temporarily enjoining

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the person from, or otherwise limiting the person from, engaging in any investment related activity.

- 2) Administrative proceedings before the SEC, any other federal regulatory agency or any state agency (any of the foregoing being referred to hereafter in this Section as "agency") in which the person:
  - A) was found to have caused an investment related business to lose its authorization to do business; or
  - B) was found to have violated or caused the violation of an investment related statute or regulation and was the subject of an order by the agency denying, suspending or revoking the authorization of the person to act in, or barring or suspending the person's association with, an investment related business.
- 3) Self Regulatory Organization (SRO) proceedings in which the person:
  - A) was found to have caused an investment related business to lose its authorization to do business; or
  - B) was found to have violated or caused the violation of the SRO's rules and was the subject of an order by the SRO barring or suspending the person from membership or from association with other members, or expelling the person from membership, fining the person more than \$2,500.00.

- c) The information required to be disclosed by subsection (a) of this Section shall be disclosed to clients promptly, and to prospective clients not less than 48 hours prior to entering into any written or oral investment advisory contract, or no later than the time of entering into such contract if the client has the right to terminate the contract without penalty within five (5) business days after entering into the contract.

- a) For purposes of this Section:
  - 1) A criminal or civil action in a court of competent jurisdiction in which the person:
    - A) was convicted, pleaded guilty or nolo contendere ("no contest") to a felony or misdemeanor, or is the named subject of a pending criminal proceeding (any of the foregoing referred to hereafter in this Section as "action"), and such action involved an investment related business; or fraud, false statements, or omissions; or wrongful taking of property; or bribery, forgery, counterfeiting or extortion;
    - B) was found to have violated or caused the violation of an investment related statute or regulation; or
    - C) was the subject of any order, judgment or decree permanently or temporarily enjoining

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- 1) "Management person" means a person with power to exercise, directly or indirectly, a controlling influence over the management or policies of an investment adviser which is a company or to determine the general investment advice given to clients.
- 2) "Found" means determined or ascertained by adjudication or consent in a final SRO proceeding, administrative proceeding or court action.
- 3) "Investment related" means pertaining to securities, commodities, banking, insurance or real estate (including, but not limited to, acting as or being associated with a broker, dealer, investment company, investment adviser, government securities broker or dealer, municipal securities dealer, bank, savings and loan association, entity or person required to be registered under the Federal 1974 Act, as defined in Section 130.200 of this Part, or fiduciary).
- 4) "Involved" means acting or aiding, abetting, causing, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.
- 5) "Self Regulatory Organization" or "SRO" means any national securities or commodities exchange, registered association or registered clearing agency.
- e) For purposes of calculating the ten (10) year period during which events are presumed to be material under subsection (b) of this Section, the date of a reportable event shall be the date on which the final order, judgment or decree was entered, or the date on which any rights of appeal from preliminary orders, judgments or decrees lapsed.
- f) Compliance with subsection (b) of this Section shall not relieve any investment adviser from the disclosure obligations of subsection (a) of this Section; compliance with subsection (a) of this Section shall not relieve any investment adviser from any other disclosure requirement under this Part or the Act, or under any other federal or state law.

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- g) Registered investment advisers may disclose the information required by this Section to clients and prospective clients with the information required by Section 130.846 of this Part; provided that the delivery of the information satisfies the timing of disclosure requirements described in subsection (c) of this Section.

(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

Section 130.860 Additional Fees Under Section 8 of the Act

- a) The additional fee for the failure by a registered dealer or investment adviser to file or file timely any required statement of financial condition or financial statement shall be as set forth in Section 130.110 of this Part.
- b) The additional fee for the second and subsequent failure by a registered dealer or investment adviser to file or file timely a statement of financial condition or financial statement shall be as set forth in Section 130.110 of this Part.
- c) The additional fee for the failure by a registered dealer or investment adviser to file or file timely any other post-registration document required under Section 8 of the Act or this Part shall be as set forth in Section 130.110 of this Part.
- d) The additional fee for the second and subsequent failure by a registered dealer or investment adviser to file or file timely any other post-registration document required under Section 8 of the Act or this Part shall be as set forth in Section 130.110 of this Part.
- e) The Secretary, at his or her discretion, may waive or reduce the amount of any additional fee set forth in this Section if the registered dealer or investment adviser demonstrates by competent evidence that:
- 1) in the case of a registered investment adviser, payment of the additional fee would render it insolvent; or
  - 2) in the case of a registered dealer, payment of the additional fee would cause it to be in violation

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COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me \_\_\_\_\_ the undersigned officer, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known personally to me to be the \_\_\_\_\_ President and \_\_\_\_\_ Secretary, respectively, of the above named corporation, and that they, as such officers, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

(NOTARIAL SEAL)

INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_ to me personally known and known to me to be the same person(s) whose name(s) is (are) signed to the foregoing instrument, and acknowledged the execution thereof for the uses and purposes therein set forth.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

(NOTARIAL SEAL)

(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989.)

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Section 130. Appendix B Uniform Application to Register Securities

UNIFORM APPLICATION TO REGISTER SECURITIES

Application to \_\_\_\_\_ of the State of \_\_\_\_\_ pursuant to Section \_\_\_\_\_ of the \_\_\_\_\_

1. Name and address of Issuer and principal office in this State:
2. Name, address and telephone number of correspondent to whom notices and communications regarding this application may be sent:
3. Name and address of applicant:
4. Registration or acceptance for filing is sought for the following described securities in the amounts indicated:

Description of Securities	Offering Price	Total Offering	Offering in
	or Proposed	No. of Shares	No. of Shares
	Offering Price	or Units	or Units
		Amount	Amount
		\$ _____	\$ _____
Totals		\$ _____	\$ _____

Indicate the maximum commission to be charged: \_\_\_\_\_ %

5. Amount of filing and examination fees which are enclosed: \$ \_\_\_\_\_ \$ \_\_\_\_\_
6. A Registration Statement was filed with the Securities and Exchange Commission on \_\_\_\_\_ (date) and (became) (will become) effective on \_\_\_\_\_ (date)

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7. (a) List the states in which it is proposed to offer the securities for sale to the public.

(b) List the states, if any, in which the securities are eligible for sale to the public.

(c) List the states, if any, which have refused, by order or otherwise, to authorize sale of the securities to the public, or have revoked or suspended the right to sell the securities, or in which an application has been withdrawn.

8. Submitted herewith as a part of this application are the following documents (documents on file may be incorporated by reference):

- (a) One copy of the Registration Statement and two copies of Prospectus in the latest form on file under the Securities Act of 1933.
- (b) Underwriting Agreement, Agreement among Underwriters, and Selected Dealers Agreement.
- (c) Indenture.
- (d) Issuer's charter or articles of incorporation as amended to date.
- (e) Issuer's by-laws as amended to date.
- (f) Signed copy of opinion of counsel filed with Registration Statement pursuant to the Securities Act of 1933.
- (g) Specimen (type of security) consent to service of process accompanied by appropriate corporate resolution.
- (h) If an earning computation or similar requirement is required to be met in this state, attach a separate sheet as an exhibit showing compliance.
- (j) One copy of all advertising matter to be used in connection with the offering.
- (k) Others (list each):

9. The applicant hereby applies for registration or acceptance for filing of the above described securities under the law cited above and in consideration thereof agrees so long as the registration remains in effect that it will:

(a) Advise the above named state authority of any change prior to registration in this state in any of the information contained herein or in any of the documents submitted with or as a part of this application.

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(b) File with the above named state authority within two business days after filing with the Securities and Exchange Commission (1) any amendments other than delaying amendments to the federal registration statement, designating the changed, revised or added material or information by underlining the same; and (ii) the final prospectus, or any further amendments or supplements thereto.

(c) Notify the above named state authority within two business days (i) upon the receipt of any stop order, denial, order to show cause, suspension or revocation order, injunction or restraining order, or similar order entered or issued by any state or other regulatory authority or by any court, concerning the securities covered by this application or other securities of the issuer currently being offered to the public; and (ii) upon the receipt of any notice of effectiveness of said registration by the Securities and Exchange Commission.

(d) Notify the above named state authority at least two business days prior to the effectiveness of said registration with the Securities and Exchange Commission of (i) any request by the issuer or applicant to any other state or regulatory authority for permission to withdraw any application to register the securities described herein; and (ii) a list of all states in which applications have been filed where the issuer or applicant has received notice from the state authority that the application does not comply with state requirements and cannot or does not intend to comply with such requirements.

(e) Furnish promptly all such additional information and documents in respect to the issuer or the securities covered by this application as may be requested by the above named state authority prior to registration or acceptance for filing.

Date \_\_\_\_\_

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
By (Name and Title)





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To amend, circle question numbers amended and file with a completed Execution page (Page 1).

<b>FORM BD Page 4</b>		OFFICIAL USE	
Applicant Name: _____			
Date: _____ Firm CRD No.: _____			
<p><b>E. Has any self-regulatory organization or commodities exchange ever:</b></p> <p>(1) found the applicant or a control affiliate to have made a false statement or omission? YES <input type="checkbox"/> NO <input type="checkbox"/> 17</p> <p>(2) found the applicant or a control affiliate to have been involved in a violation of its rules? YES <input type="checkbox"/> NO <input type="checkbox"/> 18</p> <p>(3) found the applicant or a control affiliate to have been the cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted? YES <input type="checkbox"/> NO <input type="checkbox"/> 19</p> <p>(4) disciplined the applicant or a control affiliate by expelling or suspending it from membership, by barring or suspending its association with other members, or by otherwise restricting its activities? YES <input type="checkbox"/> NO <input type="checkbox"/> 20</p> <p><b>F. Has any foreign government, court, regulatory agency, or exchange ever entered an order against the applicant or a control affiliate related to investments or fraud?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> 21</p> <p><b>G. Is the applicant or a control affiliate now the subject of any proceeding that could result in a "yes" answer to parts A-F of this item?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> 22</p> <p><b>H. Has a bonding company denied, paid out on, or revoked a bond for the applicant?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> 23</p> <p><b>I. Does the applicant have any unsatisfied judgments or liens against it?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> 24</p> <p><b>J. Has the applicant or a control affiliate of the applicant ever been a securities firm or a control affiliate of a securities firm that has been declared bankrupt, had a trustee appointed under the Securities Investor Protection Act, or had a direct payment procedure begun?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> 25</p> <p><b>Item 7 Instructions</b></p> <p>If a "yes" answer on Item 7 involves:</p> <ul style="list-style-type: none"> <li>the applicant broker-dealer, or an individual without a Form U-4 (individual registration) in the CRD, give the details on Schedule D.</li> <li>an individual with a Form U-4 (individual registration) in the CRD, attach any necessary Form U-4 amendments to the Form BD. The CRD will update the Forms U-4 and BD.</li> </ul> <p>For each "yes" to Item 7, give the following details of any court or regulatory action:</p> <ul style="list-style-type: none"> <li>the broker-dealer and individuals named,</li> <li>the title and date of the action,</li> <li>the court or body taking the action, and</li> <li>a description of the action.</li> </ul>			
<p><b>8. Does applicant:</b></p> <p><b>A. Have any arrangement with any other person, firm or organization under which:</b> YES NO</p> <p>(1) Any of the accounts or records of applicant are kept or maintained by such person, firm, or organization? <input type="checkbox"/> <input type="checkbox"/> 26</p> <p>(2) Such other person, firm or organization (other than a bank or satisfactory control location as defined in paragraph (c) of Rule 15c3-3 under the Securities Exchange Act of 1934, 17 CFR §240.15c3-3) holds or maintains funds or securities of applicant or of any of its customers? YES NO <input type="checkbox"/> <input type="checkbox"/> 27</p> <p><b>B. Have any arrangements with any other broker or dealer under which applicant refers or introduces customers to such other broker or dealer?</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 28</p> <p>(If the answer to any question of Item 8 is "yes," furnish as to each such arrangement the full name and principal business address of the other person, firm, or organization, and the summary of each such arrangement on Schedule D.)</p>			
<p><b>9. Does applicant control, is applicant controlled by, or is applicant under common control with, directly or indirectly, any partnership, corporation, or other organization engaged in the securities or investment advisory business?</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 29</p> <p>(If "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule D. See instructions for definition of control.)</p>			

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To amend, circle question numbers amended and file with a completed Execution page (Page 1).

<b>FORM BD Page 5</b>		OFFICIAL USE	
Applicant Name: _____			
Date: _____ Firm CRD No.: _____			
<p><b>10. Check types of business engaged in (or to be engaged in, if not yet active) by applicant. Do not check any category which accounts for or is expected to account for less than 10% of annual revenue from the securities or investment advisory business.</b></p> <p>A. Exchange member engaged in exchange commission business <input type="checkbox"/> EMC</p> <p>B. Exchange member engaged in floor activities <input type="checkbox"/> EMF</p> <p>C. Broker or dealer making inter-dealer markets in corporate securities over-the-counter <input type="checkbox"/> IDM</p> <p>D. Broker or dealer retailing corporate securities over-the-counter <input type="checkbox"/> BDR</p> <p>E. Underwriter or selling group participant (corporate securities other than mutual funds) <input type="checkbox"/> USG</p> <p>F. Mutual fund underwriter or sponsor <input type="checkbox"/> MFU</p> <p>G. Mutual fund retailer <input type="checkbox"/> MFR</p> <p>H. 1. U.S. government securities dealer <input type="checkbox"/> GSD</p> <p>2. U.S. government securities broker <input type="checkbox"/> GSB</p> <p>I. Municipal securities dealer <input type="checkbox"/> MSD</p> <p>J. Municipal securities broker <input type="checkbox"/> MSB</p> <p>K. Broker or dealer selling variable life insurance or annuities <input type="checkbox"/> VLA</p> <p>L. Solicitor of savings and loan accounts <input type="checkbox"/> SSL</p> <p>M. Real estate syndicator <input type="checkbox"/> RES</p> <p>N. Broker or dealer selling oil and gas interests <input type="checkbox"/> QGI</p> <p>O. Put and call broker or dealer or option writer <input type="checkbox"/> PCB</p> <p>P. Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds) <input type="checkbox"/> BIA</p> <p>Q. Broker or dealer selling securities of non-profit organizations (e.g., churches, hospitals) <input type="checkbox"/> NPB</p> <p>R. Investment advisory services <input type="checkbox"/> IAD</p> <p>S. Broker or dealer selling tax shelters or limited partnerships <input type="checkbox"/> TAP</p> <p>T. Other (give details on Schedule D) <input type="checkbox"/> OTH</p>			
<p><b>11. A. Does applicant effect transactions in commodity futures, commodities, or commodity options as a broker for others or dealer for its own account?</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 30</p> <p><b>B. Does applicant engage in any other non-securities business? (If "yes," describe each other business briefly on Schedule D.)</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 31</p>			
<p><b>12. Is applicant applying for or continuing an existing registration solely as a government securities broker or dealer?</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 32</p>			
<p><b>13. Notice of Government Securities Activities</b></p> <p><b>A. Is applicant acting or intending to act as a government securities broker or dealer in addition to other broker-dealer activities? (Do not answer "Yes" if applicant answered "yes" to Question 12.)</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 33</p> <p><b>B. Is applicant ceasing its activities as a government securities broker or dealer? (Do not answer "Yes" unless previously answered "yes" to Question 13A.)</b> YES NO <input type="checkbox"/> <input type="checkbox"/> 34</p>			





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## NOTICE OF ADOPTED AMENDMENT(S)

otherwise determined by the National Association of Securities Dealers, Inc. ("NASD"). This Agreement shall not be considered a satisfactory subordinated agreement pursuant to the provisions of 17 CFR 240.15c3-1d unless and until the NASD has found the Agreement acceptable and such Agreement has become effective in the form found acceptable.

The cash proceeds covered by this Agreement shall be used and dealt with by the Broker-Dealer as part of its capital and shall be subject to the risks of the business. The Broker-Dealer shall have the right to deposit any cash proceeds of this Subordinated Loan Agreement in an account or accounts in its own name in any bank or trust company.

The Lender irrevocably agrees that the obligations of the Broker-Dealer under this Agreement with respect to the payment of principal and interest shall be and are subordinate in right of payment and subject to the prior payment or provision for payment in full of all claims of all other present and future creditors of the Broker-Dealer arising out of any matter occurring prior to the date on which the related Payment Obligation (as defined herein) matures consistent with the provisions of 17 CFR 240.15c3-1 and 240.15c3-1d, except for claims which are the subject of subordinated agreements which rank on the same priority as or are junior to the claim of the Lender under such subordination agreements.

I. PERMISSIVE PREPAYMENTS (OPTIONAL)

At the option of the Broker-Dealer, but not at the option of the Lender, payment of all or any part of the "Payment Obligation" amount hereof prior to the Scheduled Maturity Date may be made by the Broker-Dealer only upon receipt of the prior written approval of the NASD, but in no event may any prepayment be made before the expiration of one year from the date this Agreement became effective. No prepayment shall be made if, after giving effect thereto (and all payments of Payment Obligations under any other subordinated agreements then outstanding, the maturity or accelerated maturity of which are scheduled to fall due either within six months after the date such prepayment is to occur or on or prior to the date on which the Payment Obligation hereof is scheduled to mature, whichever date is earlier), without reference to any projected profit or loss of the Broker-Dealer, either aggregate indebtedness of the Broker-Dealer would exceed 1000 percent of its net capital or such lesser percent as may be made applicable to the Broker-Dealer from time to time by the NASD, or a governmental agency or self-regulatory body having appropriate authority, or if the Broker-Dealer is operating pursuant to paragraph (f) of 17

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CFR 240.15c3-1, its net capital would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3-3a, or, if registered as a futures commission merchant, 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, provided, however, the deduction for each option customer shall be limited to the amount of customer funds in such option customer's account,) if greater, or its net capital would be less than 120 percent of the minimum dollar amount required by 17 CFR 240.15c3-1 including paragraph (f), if applicable, or such greater dollar amount as may be made applicable to the Broker-Dealer by the NASD, or a governmental agency or self-regulatory body having appropriate authority.

II. SUSPENDED REPAYMENTS

(a) The Payment Obligation of the Broker-Dealer shall be suspended and shall not mature if, after giving effect to such payment (together with the payment of any Payment Obligation of the Broker-Dealer under any other subordination agreement scheduled to mature on or before such Payment Obligation) the aggregate indebtedness of the Broker-Dealer would exceed 1200 percent of its net capital or such lesser percent as may be made applicable to the Broker-Dealer from time to time by the NASD, or a governmental agency or self-regulatory body having appropriate authority, or if the Broker-Dealer is operating pursuant to paragraph (f) of 17 CFR 240.15c3-1, its net capital would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3-3a, or, if registered as a futures commission merchant, 6 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, provided, however, the deduction for each option customer shall be limited to the amount of customer funds in such option customer's account,) if greater, or its net capital would be less than 120 percent of the minimum dollar amount required by 17 CFR 240.15c3-1 including paragraph (f), if applicable, or such greater dollar amount as may be made applicable to the Broker-Dealer by the NASD, or a governmental agency or self-regulatory body having appropriate authority.

(b) (OPTIONAL) The Broker-Dealer agrees that if its obligation to pay the principal amount hereof is suspended for a period of six months, the Broker-Dealer will thereupon commence a rapid and orderly complete liquidation of its business. The date on which the liquidation commences shall be the maturity date for

each subordination agreement of the Broker-Dealer then outstanding.

III. LENDER'S RIGHT TO ACCELERATE THE MATURITY OF THE PAYMENT OBLIGATION (OPTIONAL)

By written notice to the Broker-Dealer at its principal office and to the NASD, no sooner than six months after the effective date of this Agreement, the Lender may accelerate such Payment Obligation together with accrued interest or compensation, to a date not earlier than six months after giving of such accrued interest or compensation shall remain subordinate as required by the provisions of 17 CFR 240.15c3-1 and 240.15c3-1d.

IV. ACCELERATED MATURITY OF THE SUBORDINATION AGREEMENT UPON THE OCCURRENCE OF AN EVENT OF ACCELERATION (OPTIONAL)

By prior written notice delivered to the Broker-Dealer at its principal office and to the NASD upon the occurrence of any Event of Acceleration (as defined herein), given no sooner than six months from the effective date of this Agreement, the Lender may accelerate such Payment Obligation to the last business day of a calendar month not less than six months after the receipt of such notice by both the Broker-Dealer and the NASD. If, upon such accelerated maturity, the Payment Obligation of the Broker-Dealer is suspended pursuant to paragraph II of this Agreement, and liquidation of the Broker-Dealer has not commenced on or prior to such accelerated maturity date, such Agreement shall mature on the day immediately following such accelerated maturity date and, in any event, the Payment Obligations of the Broker-Dealer with respect to all other subordination agreements then outstanding shall also mature at the same time. Events of Acceleration which may be included shall be limited to:

- (a) Failure to pay interest or any installment of principal on this Agreement as scheduled;
- (h) Failure to pay when due other money obligations of a specified material amount;
- (c) Discovery that any material, specified representation or warranty of the Broker-dealer which is included in this Agreement and on which this Agreement was based or continued was inaccurate in a material respect at the time made; or
- (d) The following specified and clearly measurable event(s), which the Lender and Broker-Dealer agree (i) is a

significant indication that the financial position of the Broker-Dealer has changed materially and adversely from agreed upon specified norms; or (ii) could materially and adversely affect the ability of the Broker-Dealer to conduct its business as conducted on the effective date of the subordination agreements; or (iii) is a significant change in the senior management or in the general business conducted by the Broker-Dealer from the date this Agreement became effective; or (iv) constitute continued failure to perform agreed-upon covenants included in this Agreement relating to the maintenance and reporting by the Broker-Dealer of its financial position or relating to the conduct of its business.

The events of Acceleration as discussed in paragraph (a) through (d) with respect to this Agreement are enumerated below:

V. ACCELERATED MATURITY OF THE SUBORDINATION AGREEMENT UPON THE OCCURRENCE OF AN EVENT OF DEFAULT (OPTIONAL)

(a) If the liquidation of the business of the Broker-Dealer has not already commenced, the Payment Obligation shall mature, together with accrued interest or compensation, upon the occurrence of an Event of Default, as hereinafter defined.

(h) Further, if liquidation of the business of the Broker-Dealer has not already commenced, the rapid and orderly liquidation of the business of the Broker-Dealer shall then commence upon the happening of an Event of Default, and the date of said Event of Default shall be the date on which the Payment Obligations of the Broker-Dealer with respect to all other subordination agreements then outstanding shall mature.

Events of Default which may be included shall be limited to:

- (i) The filing of an application by the Securities Investor Protection Corporation for a decree adjudicating that customers of the Broker-Dealer are in need of protection under the Securities Investor Protection Act of 1970 and the failure of the Broker-Dealer to obtain the dismissal of such application within 30 days;
- (ii) The aggregate indebtedness of the Broker-Dealer exceeding 150 percent of its net capital or, in the case of a Broker-Dealer which has elected to operate under paragraph (f) of 17 CFR 240.15c-1, its net capital computed in accordance therewith is less than 2 percent of its aggregate debit items



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computed in accordance with 17 CFR 240.15c3-3a, or, if registered as a futures commission merchant, 4 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, provided, however, the deduction for each option customer shall be limited to the amount of customer funds in such option customer's account,) if greater, throughout a period of 15 consecutive business days, commencing on the day the Broker-Dealer first determines and notifies the Lender and the NASD, or the NASD or the Commission first determines and notifies the Broker-Dealer of such fact;

(iii) Revocation by the Commission of the registration of the Broker-Dealer;

(iv) Suspension by the NASD (without reinstatement within 10 days) or revocation of the Broker-Dealer's status as a member thereof; and,

(v) Receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to bankruptcy laws, or any other marshalling of the assets and liabilities of the Broker-Dealer.

VI. NOTICE OF MATURITY OR ACCELERATED MATURITY

The Broker-Dealer shall immediately notify the NASD if, after giving effect to all payments of Payment Obligations under subordination agreements then outstanding which are then due or mature within six months without reference to any projected profit or loss of the Broker-Dealer, wither the aggregate indebtedness of the Broker-Dealer would exceed 1200 percent of its net capital, or in the case of a Broker-Dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3-1, its net capital would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3-3a, or, if registered as a futures commission merchant, 6 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, provided, however, the deduction for each option customer shall be limited to the amount of customer funds in such option customer's account,) if greater, and in either case, if its net capital would be less than 120 percent of the minimum dollar amount required by 17 CFR 240.15c3-1 including paragraph (f), if applicable, or such greater dollar amount as

## NOTICE OF ADOPTED AMENDMENT(S)

may be made applicable to the Broker-Dealer by the NASD, or a governmental agency or self-regulatory body having appropriate authority.

VII. BROKER-DEALERS CARRYING THE ACCOUNTS OF SPECIALISTS AND MARKET MAKERS IN LISTED OPTIONS

A Broker-Dealer who guarantees, endorses, carries or clears specialist or market-maker transactions in options listed on a national securities exchange or facility of a national securities association shall not permit a reduction, prepayment or repayment of the unpaid principal amount if the effect would cause the equity required in such specialist or market-maker accounts to exceed 1000 percent of the Broker-Dealer's net capital or such percent as may be made applicable to the Broker-Dealer from time to time by the NASD or a governmental agency or self-regulatory body having appropriate authority.

VIII. BROKER-DEALERS REGISTERED WITH CFTC

If the Broker-Dealer is a futures commission merchant or introductory broker as that term is defined in the Commodity Exchange Act, the Organization agrees, consistent with the requirements of 1.17(h) of the regulations of the CFTC (17 CFR 1.17(h)), that:

(a) Whenever prior written notice by the Broker-Dealer to the NASD is required pursuant to the provisions of this Agreement, the same prior written notice shall be given by the Broker-Dealer to (i) the CFTC at its principal office in Washington, D.C., attention Chief Accountant of Division of Trading and Markets, and/or (ii) the commodity exchange of which the Organization is a member and which is then designated by the CFTC as the Organization's designated self-regulatory organization the "DSRO");

(b) Whenever prior written consent, permission or approval of the NASD is required pursuant to the provisions of this Agreement, the Broker-Dealer shall also obtain the prior written consent, permission or approval of the CFTC (and/or of the DSRO); and,

(c) Whenever the Broker-Dealer receives written notice of acceleration of maturity pursuant to the provisions of this Agreement, the Broker-Dealer shall promptly give written notice thereof to the CFTC at the address above stated and/or to the DSRO.

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\_\_\_\_\_  
(Title)

\*EFFECTIVE DATE: \_\_\_\_\_

LOAN NUMBER: \_\_\_\_\_

SUBORDINATED LOAN AGREEMENT  
LENDER'S ATTESTATION

It is recommended that you discuss the merits of this investment with an attorney, accountant or some other person who has knowledge and experience in financial and business matters prior to executing this Agreement.

1. I have received and reviewed NASD Form SLD, which is a reprint of Appendix D of 17 CFR 240.15c3-1, and am familiar with the provisions.
2. I am aware that the funds or securities subject to this Agreement are not covered by the Securities Investor Protection Act of 1970.
3. I understand that I will be furnished financial statements pursuant to SEC Rule 17a-5(c).
4. On the date this Agreement was entered into, the broker-dealer carried funds or securities for my account. (State Yes or No) \_\_\_\_\_.
5. Lender's business relationship to the broker-dealer is: \_\_\_\_\_
6. If not a partner or stockholder actively engaged in the business of the broker-dealer, acknowledge receipt of the following:
  - a. Certified audit and accountant's certificate dated \_\_\_\_\_.
  - b. Disclosure of financial and/or operational problems since the last certified audit which required reporting pursuant to SEC Rule 17a-11. (If no such reporting was required, state "none")
  - c. Balance sheet and statement of ownership equity dated \_\_\_\_\_.

NOTICE OF ADOPTED AMENDMENT(S)

- d. Most recent computation of net capital and aggregate indebtedness or aggregate debit items dated \_\_\_\_\_, reflecting a net capital of \$ \_\_\_\_\_ and a ratio of \_\_\_\_\_.
- e. Debt/equity ratio as of \_\_\_\_\_ of \_\_\_\_\_.
- f. Other disclosures: \_\_\_\_\_

Dated: \_\_\_\_\_ L.S.  
\_\_\_\_\_  
(Lender)

(Source: Added at 14 Ill. Reg. 884, effective Dec. 30, 1989 )

NOTICE OF EMERGENCY RULES

5) Effective Date of Rule(s): January 1, 1990

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: Not applicable

7) Date Filed in Agency's Principal Office: December 22, 1989

8) Reason for Emergency: The General Assembly amended the Child Care Act of 1969 to allow for the creation of overnight shelters for homeless youth to be licensed by the Department. The amendments are effective January 1, 1990. Due to the present lack of resources for homeless youth, the Department believes that emergency rules are necessary for the safety and welfare of youth, especially during these winter months, when the emergency rules will be in effect.

9) A Complete Description of the Subjects and Issues Involved: The Department is adopting emergency rules for the licensure of a new type of facility which provides overnight shelter for homeless youth. The rules describe the requirements of applying for a license as well as standards which shelters must meet including, but not limited to, staff qualifications, shelter capacity, health and safety standards, physical plant specifications, minimum service requirements, consent provisions, court services, and other remedial services.

10) Are there any proposed amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch 85, par. 2203).

12) Information and questions regarding this rule shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures  
Department of Children and Family Services

NOTICE OF EMERGENCY RULES

1) The Heading of the Part: Licensing Standards for Youth Emergency Shelters

2) Code Citation: 89 Ill. Adm. Code 410

3) Section Numbers:  
Emergency Action:  
410.10  
410.20  
410.30  
410.40  
410.50  
410.60  
410.70  
410.80  
410.90  
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410.330  
410.340  
410.350  
410.360  
410.370  
410.380

New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 2211 et seq. as amended by Public Acts 86-278 and 86-386 effective January 1, 1990.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY RULES

406 East Monroe  
Springfield, Illinois 62701-1498

Telephone: 217/785-2592

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 410  
LICENSING STANDARDS FOR YOUTH EMERGENCY SHELTERS

Section	
410.10	Purpose
EMERGENCY	
410.20	Definitions
EMERGENCY	
410.30	Effective Date of Standards
EMERGENCY	
410.40	Application for License
EMERGENCY	
410.50	Application for Renewal of License
EMERGENCY	
410.60	Provisions Pertaining to the License
EMERGENCY	
410.70	Provisions Pertaining to Permits
EMERGENCY	
410.80	Supervision of the Emergency Shelter
EMERGENCY	
410.90	Finances
EMERGENCY	
410.100	Child Care Staff
EMERGENCY	
410.110	Professional Staff Requirements
EMERGENCY	
410.120	Support Staff
EMERGENCY	
410.130	Volunteers
EMERGENCY	
410.140	Background Inquiry
EMERGENCY	
410.150	Health Requirements for Staff and Volunteers
EMERGENCY	
410.160	Staff Training
EMERGENCY	
410.170	Live-in Staff
EMERGENCY	
410.180	Physical Facilities
EMERGENCY	
410.190	Facility Capacity
EMERGENCY	
410.200	Notification and Consent of Parent or Legal Guardian
EMERGENCY	
410.210	Notification of Crisis Intervention Agency
EMERGENCY	

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of The Act.

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative," for the purpose of this part, means those Department staff authorized under The Act examine facilities for licensure.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

"Resident" and "youth" means any person who is a resident in the shelter care services component of an emergency shelter for homeless youth.

"Shelter care services" means the provision of overnight sleeping facilities, the provision of bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services.

"Youth Emergency Shelter" means a child care facility licensed by the Department to provide overnight shelter, and referral for other shelter care services, to homeless youth under 18 years of age in accordance with the requirements of The Act, as amended, and the requirements of 89 Ill. Adm. Code 410, (Licensing Standards for Youth Emergency Shelters).

Section 410.30 Effective Date of Standards  
EMERGENCY

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply within 180 days of the effective date of this Part to all facilities currently operating as an emergency shelter for homeless youth.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Section 410.40 Application for License  
EMERGENCY

- a) The individual applicant or governing body of the supervising organization or agency shall file the application for license as an emergency shelter.
- b) The following items shall be attached to the application:
  - 1) staffing plan, including job descriptions and qualifications of staff;
  - 2) program plan; and
  - 3) annual operating budget showing anticipated expenses and income.
- c) A new application shall be filed:
  - 1) when an application for a license has been withdrawn, and the agency seeks to reapply; or
  - 2) when there is a change in:
    - A) the name of the licensee;
    - B) the address of the emergency shelter;
    - C) the supervising agency; or
  - 3) when the Department has revoked or refused to renew a license, and a new license is sought; or
  - 4) when the facility has been operating for at least one year and requests an increase in license capacity to more than 16 residents.
- d) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.
- e) If a child care facility's license is revoked, or if the Department refuses to renew a facility's license, the facility may not reapply for a license before the expiration of 12 months following the Department's action; provided, however, that the denial of a re-application for a license pursuant to this Section must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act or maintaining a facility which adheres to such standards and rules.

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f) If the facility re-applies following the expiration of the 12

month period, the application shall be considered to be an application for initial license and not an application for renewal of license.

Section 410.50 Application for Renewal of License

EMERGENCY

a) The Department shall mail the application forms for renewal of a license to the supervising individual or organization responsible for the emergency shelter six months before the expiration of the emergency shelter license.

b) To be considered a timely and sufficient application, the supervising individual or organization shall submit the completed application to the department at least three months before the date of the expiration of the emergency shelter license.

c) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine whether the emergency shelter continues to meet licensing standards. The written licensing study shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.

d) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. "Good cause" includes but is not limited to staff shortages.

Section 410.60 Provisions Pertaining to the License

EMERGENCY

a) An emergency shelter which provides shelter for youth under the age of 18 shall be licensed under this Part. A youth emergency shelter may shelter persons up to the age of 21. A youth emergency shelter shall not shelter any person over the age of 21.

b) An emergency shelter license is valid for two years unless revoked by the Department or voluntarily surrendered by the licensee.  
c) The number of persons admitted to the emergency shelter shall not exceed the license capacity.

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d) The age limits specified on the license shall be observed.

e) Children under 18 years of age whose parents serve as staff members maintaining a residence in the emergency shelter shall be included in determining the license capacity if they live in the same quarters as youth accepted for care.

f) The following changes in licensing status shall occur only upon prior approval of the Department:

1) the age or type of youth served;

2) the licensed capacity; and

3) the area within the emergency shelter used for residents.

g) The license shall not be transferred or transmitted to another individual, organization or sponsor.

h) The license shall not be valid for a name or an address different than the name and address shown on the license.

i) The license shall be displayed on the premises.

j) There shall be no fee or charge for the license.

Section 410.70 Provisions Pertaining to Permits

EMERGENCY

a) A permit shall not be issued until:

1) the application for license has been completed and signed by the applicant and submitted to the Department;

2) written clearances concerning compliance with the fire, health, sanitation and safety requirements as specified in state laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations must be on file;

3) a person in charge of the daily operation of the emergency shelter has been selected and is prepared to begin work at the facility;

4) furnishings, equipment and space sufficient for the number of youth to be served have been acquired;

5) child care staff sufficient for the number of youth to be



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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served have been selected and are prepared to begin work at the facility;

- 6) background inquiries required by Section 410.130 have been completed;
  - 7) a plan for the provision of food, clothing, educational and religious opportunities and health care of youth has been developed;
  - 8) the facility has established procedures and forms to maintain required records including records on the youth served;
  - 9) a written plan on how the requirements for licensure will be met within the permit period has been developed;
  - 10) a projected annual budget for the emergency shelter, approved by the supervising individual or the policy-making body of the supervising organization, has been developed; and
  - 11) an on-site visit to the facility by the licensing representative has been completed.
- b) A permit shall not be issued retroactively.
  - c) The permit shall not be transferred or transmitted to another individual, organization or sponsor.
  - d) The permit shall not be valid for a name or an address different from the name and address shown on the issued permit.
  - e) The permit shall not be renewable.
  - f) The permit shall be displayed on the premises at all times.
  - g) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves compliance with the Department's licensing standards.
  - h) There will be no fee or charge for issuing the permit.

Section 410.80 Supervision of the Emergency Shelter  
EMERGENCY

- a) The supervising individual or organization shall designate a qualified administrator to provide ongoing program administration, personnel administration and monitoring of the emergency shelter's operation. The administrator shall conduct on-site visits and on-site conferences with personnel employed at the shelter at least

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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twice a month. Visits at the shelter shall include contact with residents to determine the residents' view of the program.

- b) The administrator shall:
  - 1) be at least 25 years of age;
  - 2) have at least two full years of college credits; and
  - 3) have at least two years of full-time experience in a residential or shelter care program with at least one year in program administration.
- c) If the emergency shelter does not have a separate child care supervisor, the administrator also shall meet the requirements for a child care supervisor in Section 410.100 of this Part and shall visit the emergency shelter at least weekly.
- d) The supervising individual or organization shall be responsible for providing and maintaining qualified staff and volunteers as specified in this part.
- e) The supervising individual or organization shall assure that all persons connected in any way with the emergency shelter are of reputable character.
- f) When notified by the Department that an employee, volunteer or other person in frequent contact with residents of the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars 2051 et. seq.) the licensee shall take reasonable action necessary to assure that the employee or other person is restricted during the pendency of the investigation from contact with the residents. Such reasonable action includes, but is not limited to barring or removing the person from the facility, assuring that another adult is always present when the subject of the investigation is in contact with residents.

Section 410.90 Finances  
EMERGENCY

- a) The supervising individual or organization shall maintain a degree of financial solvency that insures adequate care of homeless youth. An individual or agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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making, 89 Ill. Adm. Code 358 (Background Inquiry for Purchase of Service Providers).

Section 410.150 Health Requirements for Staff and Volunteers  
EMERGENCY

- a) All child care and support staff shall have an initial medical examination which provides evidence that they are free of communicable diseases, including active tuberculosis or physical or mental conditions which affect their ability to perform assigned duties.
- b) Child care and support staff shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health, 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code).
- c) Child care and support staff shall be reexamined at least every two years. Reports of the examination shall be maintained by the supervising individual or organization.
- d) Should the child care and support staff be diagnosed as having a communicable disease for which isolation is required by the Department of Public Health (IDPH) or local health department, the emergency shelter shall abide by the requirements of the public health agency until the infectious period has elapsed. Further, a child care staff member or substitute who does not reside in the emergency shelter diagnosed as having a communicable disease for which isolation is required shall be barred from the shelter until the presence of such person is authorized by the IDPH or the local health department.
- e) During the hours of operation of the emergency shelter, there shall be at least one person on the premises certified in first-aid, the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or the American Heart Association. Child care staff shall have on file current certificates attesting to the training.
- f) Child care and support staff shall not smoke in the presence of youth or consume alcohol in the facility. Child care staff who appear to be under the influence of alcohol or other drugs shall not have responsibility for the care of youth.

Section 410.160 Staff Training  
EMERGENCY

- a) There shall be an organized in-service training program to equip child care staff personnel to meet the individual and group care needs of the residents. In-service training shall consist of at least 15 clock hours of training in the two year license period for child care supervisors and staff, whether paid or volunteer.

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## NOTICE OF EMERGENCY RULES

- b) The in-service training program shall include content designed to familiarize staff with licensing rules, infection control measures, safety, identification of drug and alcohol abuse, symptoms of communicable disease, and training in the customs of different cultures.

Section 410.170 Live-in Staff  
EMERGENCY

- a) Facilities which utilize live-in staff shall provide staff with their own living quarters so located as to assure that they are readily available and easily accessible to the residents in the shelter.
- b) Person(s) counted in the staff-to-child ratio must be present, awake and free from responsibilities other than those directly related to the care and supervision of the residents when they are present. These responsibilities may include light housekeeping to maintain the area(s) wherein child care is provided.
  - 1) The awake night staff requirement may be waived in writing by the Director of the Department or his designee for facilities licensed for four or fewer residents when the facility has demonstrated that the well-being of the children can be protected in accordance with the requirements of this Part.
  - 2) A request for a waiver of the awake night staff requirement shall be in writing.

Section 410.180 Physical Facilities  
EMERGENCY

- a) Buildings, or parts of buildings, acquired or converted for use as an emergency shelter shall be safe, clean, well-ventilated, properly lighted and heated.
- b) If well water is used, a copy of the inspection report and compliance with local or state health department regulations shall be on file.
- c) Fire prevention and health standards complying with state laws and municipal codes shall be maintained.
- d) The emergency shelter shall have written emergency plans in the event of fire or natural disaster. The plans shall be posted in an area accessible to residents and shall be reviewed with residents upon their first admission.
- e) Prescription and non-prescription drugs, dangerous household supplies

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- n) Shower facilities for the residents shall be provided in one of two ways:
    - 1) through written agreements with services such as drop-in centers that provide shower facilities for the residents; or
    - 2) through the provision of one shower facility for every 10 residents on site at the emergency shelter.
  - o) Shower use shall be separate for males and females.
  - p) Kitchen and dining facilities shall be maintained in a clean and sanitary condition in accordance with the requirements of state and local public health authorities.
  - q) Space and equipment shall be provided for indoor and outdoor recreation. Recreational resources in nearby communities may be used to fulfill this requirement.
  - r) There shall be office facilities and equipment for the conduct of the shelter's professional services and business affairs. The office facilities do not need to be at the same location as the shelter facility but they must be located within reasonable daytime access to the residents.
  - s) There shall be space designated in the facility for private interviews or conferences with residents.
  - t) Healthy household pets which present no danger to residents are permitted on the premises unless prohibited by local health regulations. A licensed veterinarian shall certify that the animals are free of diseases that could endanger the resident's health and that dogs and cats have been inoculated for rabies.
- Section 410.190 Facility Capacity  
EMERGENCY
- a) there is an identified need for additional beds;
  - b) space, equipment and staff are available in the proposed emergency shelter to meet all requirements of this Part; and
- The initial capacity of an emergency shelter shall be limited to no more than 16 beds. After one year of operation the supervising individual or organization may file a new application to request that the capacity be expanded up to 30 beds. In the application the supervising individual or organization shall demonstrate that:

NOTICE OF EMERGENCY RULES

- f) There shall be provisions for separating a resident who is suspected of having a contagious disease from other residents pending medical determination.
- g) The emergency shelter shall have an operating telephone on the premises.
- h) Each resident shall be provided with a separate bed. Each bed shall have a mattress and comfortable bedding. The bedding shall be changed for each new resident assigned to a bed. If a resident will be staying in the shelter for more than seven days, linens shall be changed at least weekly.
- i) Residents shall not share a sleeping area with residents of the opposite sex. Residents under age 18 and residents ages 18 to 21 shall have separate sleeping areas.
- j) Sleeping areas shall be furnished according to the ages and special needs of the residents. There shall be a minimum of (35) square feet of floor space per resident, excluding the closet and wardrobe area.
- k) Basements and attics may be used for sleeping for youth who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.
- l) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window which provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
- 2) No basement or attic shall be used for sleeping without the approval of the Department after consultation with the appropriate safety authority(ies).
- 1) The sleeping areas shall be exposed to an operable outside window or shall have some alternate permanent means of ventilation.
- m) There shall be a bathroom unit including a lavatory and toilet for every ten youth. Bathroom use shall be separate for males and females.

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- c) the supervising individual or organization has successfully operated an emergency shelter with a lower capacity.

Section 410.200 Notification and Consent of Parent or Legal Guardian  
EMERGENCY

- a) The emergency shelter program shall, for all residents under the age of 18 within 24 hours of the youth's arrival at the shelter, notify the youth's parent or legal guardian of the youth's presence in the shelter program and attempt to obtain written or oral permission from the parent or legal guardian for the continued placement of the youth in the shelter if the parent or guardian is unable or unwilling to effect the youth's immediate return home. Oral permission from a parent or legal guardian given to a shelter staff member will be considered "consent for placement" for purposes of these licensing standards until written consent can be obtained.
- b) Notification to a parent or legal guardian may be delayed beyond 24 hours when compelling circumstances indicate that the parent or legal guardian should not be notified. Examples of compelling circumstances include, but are not limited to, real and significant danger of physical injury, abuse or neglect from a parent or legal guardian as evidenced by past behavior.
- c) For youth under the age of 18 verification of age and consent for continued placement shall be obtained in writing or verbally from the parent or legal guardian before the provision of a fifth night of shelter within a thirty-day period.
- d) Emergency shelter staff shall make a "good faith effort" to contact the parent or legal guardian. Such efforts shall be documented in writing by the shelter staff.
- e) In all cases where the parent or legal guardian refuses to grant permission to the youth to stay in the emergency shelter, and the youth refuses to return to the care and custody of the parent or legal guardian, or to the care and custody of an individual or organization chosen by the parents or legal guardian, the emergency shelter staff shall file a petition in juvenile court alleging that the youth is a minor requiring authoritative intervention (MRAI) to initiate a hearing on the matter within 21 days of the first day of acceptance of the youth into the emergency shelter.
- f) During the waiting period before the MRAI petition can be heard by the court the youth may remain in the emergency shelter of his or her own volition.
- g) With the court's permission the youth may remain in the emergency

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY RULES

shelter during the time it takes for the court to complete the proceedings pursuant to any petition filed on behalf of the minor.

- h) When the court grants the youth partial or complete emancipation that gives the youth the right to place himself of his own volition in the emergency shelter, the youth may remain as long as the emancipation order granting this right remains in effect.

Section 410.210 Notification of Crisis Intervention Agency  
EMERGENCY

- a) Emergency shelter staff shall document their efforts to make homeless youth available to meet with the youth service provider serving the area for voluntary acceptance or rejection of crisis intervention services.
- b) Emergency shelter staff shall initiate contact with the crisis intervention agency within 24 hours to make arrangements for an interview with the youth service provider.

Section 410.220 Reporting to the Child Abuse Hotline  
EMERGENCY

Emergency shelter staff shall report all youth under age 18 by telephone to the Statewide Central Register of the Department of Children and Family Services if there is reasonable cause to suspect the child has been abused and neglected.

Section 410.230 Admission Criteria  
EMERGENCY

- a) The homeless youth must enter the emergency shelter program of his/her own volition.
- b) No youth may be admitted to the shelter who, in the assessment of staff with supervisory approval, poses a serious threat of injury to themselves or to other residents in the shelter. Any youth with serious health problems shall be immediately reported to local emergency services.
- c) Any youth who is suspected of having a contagious disease should be separated from other youth until a medical determination has been received that the disease is not contagious or is no longer contagious.

Section 410.240 Shelter Care Services  
EMERGENCY

- a) Shelter care services of the emergency shelter shall be available

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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with the provisions of: Sections 6-101 and 6-102 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95½, pars: 6-101 and 6-102, The Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95½, par 7-100 et seq.), The Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95½, par. 11-100 et seq.) and the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95½ par. 12-100 et seq.).

- b) The driver of a vehicle transporting children on behalf of an emergency shelter shall be at least 21 years of age.
- c) The driver and attendants shall meet the requirements of Sections 410.140 and 410.150.
- d) The driver shall not leave the vehicle unattended at any time while transporting youth.
- e) The driver shall see that each youth boards and leaves the vehicle from the curb side of the street.
- f) The driver shall see that order is maintained in the vehicle for safety of the youth in transit.
- g) The number of youth transported in a vehicle shall not exceed the manufacturers rated passenger capacity.
- h) Seat belts shall be worn at all times the vehicle is in motion.
- i) A vehicle used by the shelter to transport children shall be maintained in a mechanically safe condition at all times.
- j) Any vehicle designed for the transportation of more than 10 persons (including the driver) shall be equipped with a first aid kit when used for transporting children. The first aid kit shall consist of Band-Aids, sterile gauze pads, 40-inch triangular bandage with two safety pins, wire or wood splint, adhesive tape, scissors and instructions for use of the contents of the kit.

Section 410.300 Case Management Services  
EMERGENCY

It shall be the responsibility of the emergency shelter to provide for case management services for the residents in one of two ways:

- a) through referrals to the case management services of other organizations who have agreed in writing to provide these services to the residents of the emergency shelter who want them; or
- b) through the direct provision of case management services to residents who want them by the staff of the emergency shelter.

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Section 410.310 Medical and Health Services  
EMERGENCY

- a) It shall be the responsibility of the parent or legal guardian of residents under age 18 to provide for medical and dental examinations of the youth and the subsequent treatment of diagnosed medical and dental problems. Medical care may be provided through a family physician or through community-based facilities which have entered into written agreements to provide medical care for youth staying at the emergency shelter.
- b) Prescription drugs will be self-administered.

Section 410.320 Education  
EMERGENCY

Each youth shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his or her aptitude through referral to community resources that can provide these services.

Section 410.330 Religion  
EMERGENCY

Each youth shall be given information on available religious institutions in the area.

Section 410.340 Required Written Consents for Minors  
EMERGENCY

- a) It shall be the responsibility of the emergency shelter to help residents under the age of 18 obtain written consent from legally responsible persons (parent, court, legal guardian), as needed. Actions which require parental/guardian consent include, but are not limited to:
  - 1) placement in the emergency shelter program for more than five days in a 30 day period;
  - 2) health care and treatment, including medical, surgical, psychiatric and dental;
  - 3) religious instruction and/or church attendance in a different faith from their parent.
- b) Written consents shall be dated and limited to a specific period of time.

NOTICE OF EMERGENCY RULES

- c) In the event that written permission is not obtainable for placement in the emergency shelter for more than five days in a 30 day period, oral permission give to a shelter staff member shall be considered as proof of "consent for placement" for the purposes of these licensing requirements.

Section 410.350 Records and Reports  
EMERGENCY

- a) The supervising individual or organization shall maintain current records on each child receiving shelter care services, on agency personnel (including volunteers), and on each facility operating under its supervision.

- b) Records for each youth shall include a brief admission history, guardian/parental permission for care, name, birthdate, proof of age, name, address, and phone number of parent or legal guardian, religion, educational level, and case recording reflective of the ongoing shelter care of the youth.

- c) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of youth. The records shall document compliance with Section 410.140, Background Inquiry.

- d) The supervising individual or organization shall maintain a separate file of responses to the background inquiry required by Section 410.140 and 89 Ill. Adm. Code 358 (Background Inquiry for Purchase of Service Providers) and the results of the background check required by Section 410.140 and 89 Ill. Adm. Code 385 (Background Checks).

- e) The supervising individual or organization shall maintain records on staff and volunteers and shall submit reports to the Department on forms prescribed by the Department. The following personnel reports are required:

- 1) An individual report on each new employee (including owner, operator, or director) shall be filed with the Department. A copy of this report shall be kept at the agency.
- 2) All staff changes shall be reported to the Department immediately.
- 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.

EMERGENCY

Section 410.370 Termination of Shelter Care Services

- f) Financial records of operations shall be maintained as part of the permanent records of the emergency shelter and shall include a copy of the annual audit.
- g) In addition to the records maintained by the supervising individual or organization, the emergency shelter shall maintain current records on its premises. These records shall include:
  - 1) a daily log which includes entries on each resident's stay in the emergency shelter and records any unusual incidents or serious occurrences;
  - 2) a daily log on the use of behavior management techniques as described in 89 Ill. Adm. Code 384, (Discipline and Behavior Management in Child Care Facilities).
- h) The emergency shelter shall report to the resident's parent, guardian and the Department any unusual incidents and serious occurrences involving residents. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 2 working days of the occurrence. Unusual incidents or occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, or any serious incident which results in legal action by or against the emergency shelter, which affects any resident, personnel or conduct of the temporary shelter.
- i) Records shall be kept in safe, locked places.
- j) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

Section 410.360 Records Retention  
EMERGENCY

Personnel, general and financial records required of the supervising individual or organization shall be maintained for five years. Children's records shall be maintained for at least five years after the child's majority.

Section 410.370 Termination of Shelter Care Services  
EMERGENCY

The emergency shelter shall have a written policy outlining the reasons for which residents may be terminated from shelter care services.

NOTICE OF EMERGENCY RULES

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Section 410.370 Termination of Shelter Care Services  
EMERGENCY

The emergency shelter shall have a written policy outlining the reasons for which residents may be terminated from shelter care services.

NOTICE OF EMERGENCY RULES

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Section 410.350 Records and Reports  
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY RULES

Section 410.380 Severability of This Part  
EMERGENCY

If any court of competent jurisdiction finds that any Section, clause, phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Prevailing Wage Hearing Procedures
- 2) Code Citation: 56 Ill. Adm. Code 100
- 3) Section Numbers:

100.5	Renumbered, Amended
100.10	Amendment
100.20	Renumbered
100.22	New Section
100.24	New Section
100.26	New Section
100.30	Amendment
100.60	Amendment -
100.100	Amendment
100.120	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, par. 39s-1 et seq., as amended by P.A. 86-693 and 86-799, both effective January 1, 1990.
- 5) Effective Date of Amendments: January 1, 1990.
- 6) If these Emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: December 27, 1989
- 8) Reason for Emergency: The reason for the emergency is that P.A. 86-693 and P.A. 86-799 became law on September 1 and 7, respectively, and become effective January 1, 1990, and there was insufficient time for the Department to develop rules necessitated by the statutory changes.
- 9) A Complete Description of the Subjects and Issues Involved: The Department is making changes in procedure and adding definitions to the existing hearing rule to provide for hearings after a contractor or subcontractor is automatically prohibited from being awarded public works contracts after two violations of the Prevailing Wage Act. The debarred contractor must request a hearing. Definitions of "violation", "second violation", "prevailing hourly rate of wages", and "accurate records" are added. Nonsubstantive revisions of citations are also made.
- 10) Are there any Proposed amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate. The rules affect only persons contracting or subcontracting to construct or maintain public works projects.
- 12) Information and Questions regarding these Emergency Amendments shall be Directed to:

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## NOTICE OF EMERGENCY AMENDMENTS

Section 100.5 Applicability  
EMERGENCY

These rules apply to all hearings conducted by this Department of Labor under Section 39s-11a of the Illinois Prevailing Wage Act "AN ACT regulating wages of laborers, mechanics, and other workers employed in any public works by The State, county, city or any public body or any political subdivision or by any one under contract for public works" (the Act) (Ill. Rev. Stat. 1987, ch. 48, par. 39s-11a as amended by P.A. 86-693 and P.A. 86-799 both effective January 1, 1990) for purposes of debarring a contractor or subcontractor from contracting for public works as defined in the Act for a two year period. Such debarment is automatic after the contractor or subcontractor has received notice of first and second violations of the Act, unless within 10 working days of receipt of the notice of a second violation he requests a hearing in writing in accordance with these rules.

(Source: Renumbered from Section 100.20 and amended by emergency action at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100. Policy  
EMERGENCY

All hearings shall be conducted in the most economic, expeditious and reasonable manner that is in accordance with Illinois law and these and other applicable rules. These rules are promulgated to guide the Hearing Examiner in his/her duties. Operational interpretations are to be made in a flexible manner designed to secure the State's needs and protect its interests to provide all parties with a fair and impartial hearing, consistent with the declaration of policy in Section 1 of the Act).

(Source: Emergency Amendments at Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.20 Applicability (Renumbered)  
EMERGENCY

(Source: Renumbered to Section 100.5 at Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.22 Definitions  
EMERGENCY

- a) "Violation" means a written determination by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to one or more laborers, workers, or mechanics under a single contract or subcontract as required by section 3 of the Act; failed to keep accurate records as required by section 5 of the Act; produced falsified or inaccurate records to the Department for inspection, as prohibited by section 6 of the Act; refused to submit records to the Department in response to a subpoena issued in

## NOTICE OF EMERGENCY AMENDMENTS

Section 100.22 Definitions (Cont'd.)  
EMERGENCY

accordance with section 10 of the Act; or refused access to the Department for inspection of records at any reasonable hours as required by section 5 of the Act.

- b) "Second violation" is a violation as defined in subsection (a) which has occurred within two years of a previous violation.
- c) "Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid most frequently, in the county in which the public works is performed, to employees engaged in work of a similar classification, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.
- d) "Accurate records" means the names, addresses, telephone numbers and social security numbers of all employees engaged in a public works project; each employee's classification, or subclassification, if applicable, for the type of work actually performed on the public works project; the hours worked each day, including any overtime hours; the hourly rate of pay for straight time hours worked; the hourly rate of pay for overtime hours worked; the hourly rate paid for fringe benefits, including pension, health and welfare and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee; each employee's gross weekly wage, withholdings and net weekly wage.

(Source: Emergency Rule Added at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.24 Notice of Violation  
EMERGENCY

The notices of the first and second violations shall be sent by the Department by certified mail, deposited in the United States mail, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved.

(Source: Emergency Rule Added at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.26 Initiation of Hearing  
EMERGENCY

- a) Request for Hearing: A hearing shall be initiated upon the request of a contractor or subcontractor after he has received the notice of a second violation of the Act. Such request must be in writing and

NOTICE OF EMERGENCY AMENDMENTS

Section 100.26 Initiation of Hearing (Cont'd.)  
EMERGENCY

mailed by certified mail or delivered in person to the Department within 10 working days of receipt of the notice of a second violation.

b) Initiation: A hearing shall be initiated by the issuance by the Director of Labor or his/her authorized representative of a written Notice of Hearing.

(Source: Emergency Rule Added at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.30 Notice of Hearing  
EMERGENCY

a) Initiation: All hearings shall be initiated by the issuance by the Director of Labor or his authorized representative of a written Notice of Hearing.

ea) Contents: A Notice of Hearing issued under paragraph (a) subsection (b) of this Section 100.26 shall include:

- 1) The time, place, date and nature of the hearing;
- 2) The legal authority and jurisdiction under which the hearing is to be held;
- 3) A reference of the particular section of the Prevailing Wage Act involved;
- 4) A short and plain statement of the matters asserted, including specifically the two alleged violations of the Act; and
- 5) A designation of a Hearing Examiner to preside over the hearing and the address of the Hearing Examiner.

b) Service of the Notice of Hearing: Service shall be complete when the Notice of Hearing is served

- 1) in person or,
- 2) deposited in the United States Mail, registered or certified, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved not less than fourteen (14) days before the day designated for the hearing.

NOTICE OF EMERGENCY AMENDMENTS

Section 100.30 Notice of Hearing (Cont'd.)  
EMERGENCY

de) Referral of Hearing Examiner: A copy of a notice of hearing served issued pursuant to paragraph (a) subsection (b) of this Section 100.26 shall be referred to the Hearing Examiner.

(Source: Emergency Amendments at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.60 Hearing Examiner; Power and Duties  
EMERGENCY

a) Powers: A Hearing Examiner designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

- 1) To administer oaths and affirmations;
- 2) To rule upon offers of proof and receive relevant evidence;
- 3) To exercise the power of the Director and issue subpoenas under any statute;
- 4) To provide for discovery and to determine its scope;
- 5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- 6) To consider and rule upon procedural requests;
- 7) To hold conferences for the settlement or simplification of the issues;
- 8) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- 9) To make or cause to be made an inspection of the employment or place of employment involved;
- 10) To make decisions in accordance with the Act, this Part, and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.).

b) Ex Parte Consultations: Except in the disposition of matters which are authorized by law to be entertained or disposed of on an ex parte basis, no agency member, or employee or Hearing Examiner shall, after notice of hearing pursuant to this part, communicate directly or

## NOTICE OF EMERGENCY AMENDMENTS

Section 100.60 Hearing Examiner; Power and Duties (Cont'd.)  
EMERGENCY

indirectly in connection with any issue of fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or Hearing Examiner may have the aid and advice of one or more personal assistants.

## c) Disqualification:

- 1) When a Hearing Examiner deems himself/herself unqualified to preside over a particular hearing, he/she shall withdraw therefrom by notice on the record directed to the Director of Labor.
- 2) Any party who deems a Hearing Examiner, for any reason, to be unqualified to preside or to continue to preside over a particular hearing may file with the Director of Labor a motion to disqualify and remove the Hearing Examiner; and such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Director of Labor shall rule on the motion.

## d) Contumacious Conduct--Failure of or Refusal to Appear or Obey the Rulings of a Presiding Hearing Examiner:

- 1) Contumacious conduct at any hearing before the Hearing Examiner shall be grounds for sanctions to be imposed by the Hearing Examiner, as provided in Chapter 48, of the Illinois Revised Statutes.
- 2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Hearing Examiner shall render a decision based upon the information available.

## e) Referral to Illinois Supreme Court Rules: On any procedural question not regulated by this Part, the Act and rules of the Illinois Administrative Procedure Act (4 Ill. Adm. Code), a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules.

(Source: Emergency Amendments at 14 Ill. Reg. 1026, effective January 1, 1990, for a maximum of 150 days)

Section 100.100 Hearing  
EMERGENCY

- a) Nature: All hearings shall be public.

## NOTICE OF EMERGENCY AMENDMENTS

Section 100.100 Hearing (Cont'd.)  
EMERGENCY

- b) Order of Proceeding: The following shall be the order of proceeding of all hearings, subject to modification by the presiding Hearing Examiner for good cause.
  - 1) Reading Notice of Hearing by Hearing Examiner.
  - 2) Presentation, argument and disposition of motions preliminary to a hearing or the merits of the matters raised in the notice or answer.
  - 3) Offer of proof by respondent in response to the complaint of alleged violation.
- c) Burden of Proof: The Department of Labor shall have the burden of proof. The standard of proof shall be a preponderance evidence.
- d) Default: Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Examiner shall constitute a default. The Hearing Examiner shall thereupon enter such findings, opinions and order as is appropriate under the pleadings and such evidence as he/she shall receive into the record.
- e) Evidence
  - 1) Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Examiner shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a Hearing Examiner shall allow evidence to be received in written form.
  - 2) Testimony of Witnesses: The testimony of a witness shall be under oath or affirmation administered by the presiding Hearing Examiner.
- f) Transcript: Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. The

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DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

species must be protected from secondary poisoning. Recent information reveals a number of raptors which are endangered species have died due to the use of fenthion to control large concentrations of starlings at industrial sites in Illinois during the winter months. Therefore, after consultation with the Department of Agriculture and Department of Conservation, the Department of Public Health finds that an emergency situation exists which constitutes a threat to the public interest, safety and welfare of the citizens of the State of Illinois because of inadequately regulated and monitored use of bird control pesticides. Furthermore, the Department of Public Health finds that the seasonal nature of these activities precludes the utilization the general rulemaking.

9) A Complete Description of the Subjects and Issues Involved:

These new emergency rules will further restrict the use of poisoned perches and other pesticides used for bird control by requiring that a permit be obtained for each bird control operation using pesticides in Illinois. They will also require specific bird monitoring and disposal procedures and certification of at least one applicator at a work site.

These emergency rules consist of the following:

- 1) Incorporated Material (830.20), amended
- 2) Avicide Permit Requirements (830.880), and
- 3) Denial or Revocation of Avicide Permits (830.885), and
- 4) Bird Control Monitoring and Reporting Requirements (830.890).
- 5) Bird Control Training Requirements (830.900)

The Department believes that this emergency rulemaking will have little economic impact on those currently regulated under the Structural Pest Control Act. An additional possible impact is that unregulated non-pest control related businesses or institutions that do their own bird control work may be required to hire a commercial pest control company, rather than have the work done by employees. Since most bird control work is done by commercial structural pest control firms, this should affect few entities.

10) Are there any other Proposed Amendments to this Part Pending?

Yes \_\_\_ No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

11) Statement of Statewide Policy Objectives:

These requirements may require local governments such as Municipality, County, Township, School Districts, and Community College Districts to either obtain Avicide Permits for bird control operations conducted by their employees or to hire a commercial structural pest control business.

Since many bird control problems involve local government operations, this requirement is unavoidable.

12) Information and questions regarding this amendment shall be directed:

Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 W. Jefferson Street, Second Floor, Springfield, IL 62761 217/782-6187.

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

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 0: PEST CONTROL

PART 830  
STRUCTURAL PEST CONTROL CODE  
SUBPART A: GENERAL

Section  
830.10 Definitions  
830.20 Incorporated Materials  
EMERGENCY

830.100 License Application for Commercial Structural Pest Control Business

830.110 Location Registration Application for Non-Commercial Structural Pest Control

830.120 Location Application for Examination as a Certified Structural Pest Control

830.130 Re-examination Applications

830.140 Application of Certified Technicians for Examination in Other

830.150 Sub-categories

830.160 Processing (Repealed)

830.170 Approved Applications (Repealed)

830.180 Disapproved Applications (Repealed)

830.190 License and Registration Renewals

830.200 Change of Business Ownership

830.210 Certification Renewals

830.220 Late Filing Charge

830.230 Non-renewal of Technician Certificates

830.240 Certified Technician at Each Location

830.250 Change of Certified Technician at Place of Employment

830.260 Certificates of Insurance

830.270 Insurance Coverage

830.280 Supervision of a Non-certified Technician

830.290 Inspections and Investigations (Repealed)

830.300 Classification of Pesticides

830.310 Application for Certification in Illinois as a Structural Pest

830.315 Control Technician by Reciprocity

830.310 Display of License, Registration and Certification

830.315 Procedures for Certification as a Structural Pest Control Technician

830.315 in Wood Products Pest Control (Repealed)

SUBPART C: EXAMINATIONS

830.400 General Provisions

830.410 Examinations

830.420 Examination Schedules (Repealed)

830.430 Grades

830.440 Notification of Examination Results

830.450 Confidentiality of Examination Scores

830.460 Examinee's Review of Examination

SUBPART D: PEST CONTROL COURSES

830.500 Application

830.510 Application (Repealed)

830.520 Instructors

830.530 Pest Control Course Description

830.540 Record of Completion

830.550 Pest Control Course Evaluation

840.560 Approval (Repealed)

830.570 Disapproval of an Application or Recision of Approval (Repealed)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

830.600 Application

830.610 Application (Repealed)

830.620 Instructors

830.630 Pest Control Seminars

830.640 Record of Completion

830.650 Pest Control Seminar Evaluation

830.660 Approval (Repealed)

830.670 Disapproval of an Application or Recision of Approval (Repealed)

SUBPART F: HEARINGS

830.700 Hearings

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

830.800 General Safety Precautions

830.810 Misuse of Pesticides

830.820 Records

830.830 Pesticide Storage Area

830.840 Service Vehicles

830.850 Pesticide Storage Practices

830.860 Orders to Stop Sale, Use, Seize or Regulate Removal

830.870 Hazardous Incident Notification and Abatement



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTSSUBPART H: BIRD CONTROL REQUIREMENTS830.880 Avicide Permit Requirements

EMERGENCY

830.885 Denial or Revocation of Avicide Permits

EMERGENCY

830.890 Bird Control Monitoring and Reporting Requirements

EMERGENCY

830.900 Bird Control Training Requirements

EMERGENCY

Illustration A WARNING SIGN - PESTICIDE TREATMENT & VENTILATION  
Illustration B RESTRICTED USE PESTICIDE SIGN

AUTHORITY: Implementing and authorized by the Structural Pest Control Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 2201 et seq.) Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq., in particular 803(2), and Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 341(b)).

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days.

## SUBPART A: GENERAL

Section 830.20 Incorporated Materials  
EMERGENCY

- a) The following laws, rules and codes are incorporated or referenced in this Part:
- 1) Illinois Pesticide Act of 1979 (8 Ill. Adm. Code 250), rules pertaining to Pesticide Control promulgated by the Illinois Department of Agriculture (Section 830.860);
  - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);
  - 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
  - 4) Illinois Pesticide Act (Ill Rev. Stat. 1987, ch. 5, par 801 et seq.) (Section 830.860), (Section 830.885);

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

- 5) Structural Pest Control Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2201 et seq.) (Section 830.10);
- 6) The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Section 830.860);
- 7) Illinois Endangered Species Protection Act (Ill. Rev. Stat., 1987, ch. 8, par. 331 et seq.) (Section 830.880);
- 8) Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010) promulgated by the Illinois Department of Conservation (Section 830.880);
- 9) Illinois List of Endangered and Threatened Flora (17 Ill. Adm. Code 1050) promulgated by the Illinois Department of Conservation (Section 830.880).

- b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989 for a maximum of 150 days)

SUBPART H: BIRD CONTROL REQUIREMENTSSection 830.880 Avicide Permit Requirements  
EMERGENCY

- a) Because of undue risks to wildlife, the use of restricted or general use pesticides for the control of pest birds is prohibited, unless such pesticide is applied by a commercial structural pest control licensee or a non-commercial structural pest control registrant having an Avicide Permit (Form # IL 482-0722) obtained as described in this Subpart, except for such pesticide use for pest bird control by a non-commercial structural pest control location engaged in the production, protection, care, storage, or transportation of agricultural commodities.
- b) An Avicide Permit is not required for structural pest control for the control of pest birds by using only devices as defined in Section 3.24 of the Act.
- c) To request an Avicide Permit, a licensee or registrant shall apply on a form (Form IL # 482-0722), prepared and supplied by the Illinois Department of Public Health, at least fourteen (14) days before the proposed use of pesticides for the control of pest birds.

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DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

12) After any illness or death of any hawk or owl (Order Falconiformes or Strigiformes) or plant or animal listed as endangered or threatened in 17 Ill. Adm. Code 1010 or Ill. Adm. Code 1050 as a result of structural pest control for pest birds.

b) Before revoking an Avicide Permit, or denying a permit when a completed application has been received, the Department shall notify the permit holder or applicant in writing and provide such person with an opportunity for an administrative hearing as described in Section 15 of the Act.

(Source: Emergency rule added at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days)

Section 830.890 Bird Control Monitoring and Reporting Requirements  
EMERGENCY

a) The Avicide Permit holder shall conduct a preoperational survey for the presence of hawks or owls (Order Falconiformes or Strigiformes) and identify feeding sites and flight corridors to and from the feeding sites used by the pest birds before applying a pesticide for bird control at the work site as defined in Section 830.10 of this Part.

b) The Avicide Permit holder shall immediately retrieve, identify, and count target pest birds killed as a result of the structural pest control activities of the Avicide Permit holders, unless the Department has directed the permit holder in writing to hold them for examination by the Department.

c) The Avicide Permit holder shall identify, count, freeze or refrigerate, and hold for retrieval by the Department, non-target birds and other non-target animals killed during structural pest control bird control operations. The Department must be notified of such deaths as required by Section 830.870 of this Part.

d) The Department shall arrange for necropsy and toxicological analysis by a State or Federal laboratory to determine the cause of death. The Department shall send these test results to the Avicide Permit holder and the Illinois Department of Conservation.

e) Within 90 days of the date the Avicide Permit is issued and every 90 days thereafter until the expiration of the Avicide Permit, the Avicide Permit holder shall submit a completed Target and Non-Target Bird Census form (Form IL # 482-0723) to the Department that lists the location, species, number, and dates of birds or animals that

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

were collected in accordance with subsection (b) and subsection (c) above.

(Source: Emergency rule added at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days)

Section 830.900 Bird Control Training Requirements  
EMERGENCY

a) In order to successfully complete a Bird Control Training Seminar, the participant must correctly answer at least 70% of the questions on a test administered by the Department at a Bird Control Training Seminar. The test may be retaken without attending the Bird Control Training Seminar only by previous Bird Control Training Seminar participants by appointment with the Department.

b) A Bird Control Training Seminar shall meet all the requirements of Sections 830.600 of this Part, except that only a one week advance notice to the Department is required for seminar approval or Department participation in Bird Control Training Seminars conducted before May 1, 1990. Beginning on May 1, 1990, all the advance notice requirements in Section 830.600 must be met.

c) A Bird Control Training Seminar shall meet all the requirements of Section 830.620 and Section 830.650 of this Part.

d) A Bird Control Training Seminar shall meet all the requirements of Section 830.630 of this Part, except that

1) At a minimum, the Bird Control Training Seminar shall cover the relationship to bird control of the subjects described in Section 830.530 (c), Section 830.530 (d), and Section 830.530 (h) of this Part, and

2) The Bird Control Training Seminar shall last a minimum of 4 classroom contact hours with an additional one (1) hour set aside for a Department administered test as required in subsection (a) above.

e) The Sponsor of a Bird Control Seminar shall comply with all the provisions of Section 830.640 of this Part.

(Source: Emergency rule added at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days)

## NOTICE OF REFUSAL

NOTICE OF REFUSAL TO MEET OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Employment

2) Code Citation: 56 Ill. Adm. Code 2732

3) Section Number: 2732.200

Action: Refusal

4) Notice of Proposal Published in Illinois Register: August 4, 1989 at 13 Ill. Reg. 12748.

5) Date JCAR Statement of Objection published in the Register: December 29, 1989 at 13 Ill. Reg. 20398.

6) Summary of Action taken by the Agency:

In response to the objection that the proposed rules were implemented prior to adoption, it is the position of the Department that its actions prior to adoption of these rules were not based on rules as that term is defined in the Administrative Procedure Act. Section 3.09 of that Act defines a "rule" as "...each agency statement of general applicability that..." The basis of Departmental decisions prior to the adoption of this rulemaking is reported case law. Case law is not an agency statement of general applicability. It is rather a judicial interpretation of the statute, and the Department is required to follow such interpretations. Therefore, it is the Department's position that there was no prior implementation within the meaning of the terms of the Administrative Procedure Act.

With regard to the recommendation that the Department provide a timetable for publication of rules to waive interest when interest results from an employer's "innocent" failure to comply with these rules, the Notice of Proposed Rulemaking will be submitted to the Secretary of State for publication in the Illinois Register at the same time that these rules are submitted for adoption. In response to Representative Levin's request to know what the Department is doing with cases that are currently before it, the Department is proceeding in accordance with the Act and holding hearings. It is determined that the employer is delinquent in the payment of contributions, interest is being imposed as required by the Act. The proposed rulemaking does make provision for retroactive waiver under certain circumstances.

In response to the objection that subsection (a)(6) of the rulemaking is vague and lacks specific standards, the Department reiterates its testimony at the hearing on this rule. The Department wishes to be fair to all parties and to allow all relevant materials to be considered in making a determination under this Section 212 of the Act. Since materials considered in making a determination of delinquency are subject to objection at a hearing because the material might be irrelevant, there is already an adequate safeguard against the introduction of irrelevant materials into the record. The Joint Committee had asked for an example of how this subsection might apply - an employer, at a hearing, might wish to introduce its corporate minutes into the record. Without this "catch-all" provision, such a request might not be allowed. On the other hand, a worker might wish to introduce the want ad that the employer had placed in a newspaper into evidence. Surely, the employer's description of a position might be relevant to contradict his testimony about the nature of a job.

With respect to the Joint Committee's objection that subsection (e)(7) needs further explanation, it is the position of the Department that a general description as is now included in the rule will allow the flexibility to be fair to all parties. The Department has examined the Internal Revenue Service's rules describing offices and finds that they are more rigid than the Department's proposal. The Department would again point out that (e)(7) is just one factor to be considered in determining whether an individual is independently established in a business, trade, profession or occupation. The Department has never denied that such an individual could have a home office. Based on the above, the Agency respectfully declined to modify or withdraw this rulemaking.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF CORRECTIONS TO PROPOSED RULES

- 1) Heading of the Part for which proposed rulemaking is being corrected: Title Insurance Act
- 2) Code Citation: 50 Ill. Adm. Code 8100
- 3) Illinois Register citation to Notice of Proposed Rules: 14 Ill. Reg. 16; January 5, 1990.
- 4) Sections being Corrected: Required Questions 3 and 4 on Notice Page; Section 8100.105; Section 8100.280; Section 8100.905; Section 8100.1722
- 5) Corrections being made:
  - 1) In required question number 3 on the notice page Sections 8100.1701, 8100.1703 and 8100.1705 were inadvertently omitted. Sections 8100.1736, 8100.1752, 8100.1754, 8100.1756, and 8100.1758 were listed and should not have been.
  - 2) In required question number 4 the effective date of the Public Act should have been "January 1, 1990".
  - 3) In Section 8100.105 line 4, the word "32ndition" should have read "condition".
  - 4) In Section 8100.280 line 2, the word "a" should have read "or".
  - 5) In Section 8100.905, the word "Current" in the title and "current" in line 1 should have read "Statutory" and "statutory", respectively.
  - 6) In Section 8100.1722 a) line 2, the word "general" should have read "generally".

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:  
  
Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: Ill. Rev. Stat. 1987, ch. 127, par. 2001  
(Public Act 82-727, effective November 12, 1981)
2. Summary of information:  
  
Index of Department of Revenue income tax letter rulings issued for the Third Quarter of 1989.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Addition Modifications</li> <li>Bond Premium Amortization</li> <li>Dividends</li> <li>Interest</li> <li>Net Operating Loss</li> <li>Zero Coupon Bonds</li> <li>Other Rulings</li> <li>(not included above)</li> <li>Administrative Review</li> <li>Allocation</li> <li>(For Alternative Allocation rulings, see that heading)</li> <li>Alternative Allocation</li> <li>Amnesty</li> <li>Apportionment</li> <li>Financial Organizations</li> <li>Insurance Companies</li> <li>Payroll Factor</li> <li>Property Factor</li> <li>Sales Factor</li> <li>Transportation Services</li> <li>Other Rulings</li> <li>(not included above)</li> <li>Assessment</li> <li>Bankruptcy</li> <li>Base Income</li> <li>(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)</li> </ul> | <ul style="list-style-type: none"> <li>Books and Records</li> <li>Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)</li> <li>Business Income</li> <li>Capital Gains (Losses)</li> <li>(Also See Subtraction Modifications - Valuation Limitation)</li> <li>Check Off Funds</li> <li>Circuit Breaker</li> <li>Claims for Refund: See Refunds</li> <li>Collection</li> <li>Combined Unitary Return</li> <li>(Also See Unitary)</li> <li>Commercial Domicile</li> <li>Compensation</li> <li>Composite Returns</li> <li>Confidentiality</li> <li>Credits</li> <li>Coal Research and Utilization</li> <li>Credit for Replacement Tax Paid</li> <li>Enterprise Zone Investment</li> <li>Foreign Tax</li> <li>High Impact Business Investment</li> <li>Jobs Tax</li> <li>Replacement Tax Investment</li> <li>Training Expense</li> <li>Other Rulings</li> <li>(not included above)</li> </ul> |
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DEPARTMENT OF REVENUE

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The annual index of income tax letter rulings (all four quarters) is available for \$4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth  
Legal Division  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

## 1989 THIRD QUARTER SUNSHINE INDEX

## ADDITION MODIFICATIONS - INTEREST

IT 89-213 08/29/89 Certain Illinois Housing Development bonds and notes are exempt from taxation pursuant to Ch. 67 1/2, ¶331 of the Illinois Revised Statutes. May contact the Illinois Housing Development Authority to ascertain if the bond is exempt from Illinois income taxation. If the income from the bond is not included in federal adjusted gross income, the income should be added back on your Illinois income tax return. If it is determined that it is exempt from Illinois income tax, the income may then be subtracted on the appropriate line of the Illinois income tax return.

IT 89-237 09/25/89 Income tax charts were forwarded.

## ALLOCATION

(For Alternative Allocation rulings, see that heading)

IT 89-185 07/19/89 Discusses Illinois income taxation of part-year residents as partners, beneficiaries of trust, and as shareholders of S corporation. Explains Illinois income tax treatment of recovery of bad debts.

IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

IT 89-220 09/05/89 Discusses Illinois income taxation of nonresident professional athlete employed by an Illinois professional team.

## ALTERNATIVE ALLOCATION

IT 89-238 09/25/89 Alternative allocation of taxpayer's business income under IITA §304(f) denied.

IT 89-239 09/25/89 Alternative allocation of taxpayer's income under IITA §304(f) denied.

IT 89-240 09/25/89 Alternative allocation of taxpayer's business income under IITA §304(f) denied.

## APPORITIONMENT - Payroll Factor

IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

IT 89-236 09/21/89 Discusses application of IIT Reg. §100.3700(d) to years 1985 and 1986 in regard to partnership joint venture unitary business income and factors with those of corporate partner or joint venturer.

IT 89-237 09/25/89 Income tax charts were forwarded.

IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

IT 89-208 08/28/89 Discusses nexus and Illinois income taxation of foreign corporation which performs certain services pursuant to a consulting or sublicense agreement.

IT 89-212 08/29/89 The Missouri corporation fabricates steel products which it sells in Illinois to a general contractor. Because the income-producing activity (fabrication) is done entirely in the State of Missouri, the income-producing activity, based on costs of performance, is attributed to Missouri, and not to Illinois by the requirements of IITA §304(a)(3)(3). This Missouri corporation would not have an Illinois sales factor. Because this corporation has no property, payroll, or sales factor, it would have no business income subject to Illinois income tax. Section 502(a)(2) of the IITA requires that a corporation is required to file an Illinois income tax return if it is qualified to do business in Illinois and is required to file a federal income tax return. The Illinois income tax return will report zero business income apportionable to Illinois at line 8, Part III of IL-1120.

IT 89-221 09/05/89 Discusses whether or not Illinois residents employed by an out-of-state corporation qualify as "independent contractors."

IT 89-228 09/14/89 Discusses the Illinois income tax liability of a Pennsylvania general partnership rendering income advisory services to individuals with regard to their security portfolio.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-192 07/27/89 Discusses apportionment of business income of corporations engaged in the leasing of tangible personal property in Illinois.

IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

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APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-192 07/27/89 Discusses apportionment of business income of corporations engaged in the leasing of tangible personal property in Illinois.

IT 89-198 08/07/89 In the case of non-military personnel this Department has not determined that a person becomes a nonresident after an absence from Illinois, or an intended absence for an affixed period of time, such as two years or more. All of the

IT 89-207  
IT 89-174  
IT 89-236  
IT 89-237  
IT 89-191  
IT 89-174  
IT 89-179  
IT 89-185  
IT 89-191  
IT 89-197  
IT 89-198

BASE INCOME

BANKRUPTCY

IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

IT 89-212 08/29/89 The Missouri corporation fabricates steel products which it sells in Illinois to a general contractor. Because the income-producing activity (fabrication) is done entirely in the State of Missouri, the income-producing activity, based on costs of performance, is attributed to Missouri, and not to Illinois by the requirements of IITA §304(a)(3)(3). This Missouri corporation would not have an Illinois sales factor. Because this corporation has no property, payroll, or sales factor, it would have no business income subject to Illinois income tax. Section 502(a)(2) of the IITA requires that a corporation is required to file an Illinois income tax return if it is qualified to do business in Illinois and is required to file a federal income tax return. The Illinois income tax return will report zero business income apportionable to Illinois at line 8, Part III of IL-1120.

IT 89-221 09/05/89 Discusses whether or not Illinois residents employed by an out-of-state corporation qualify as "independent contractors."

IT 89-228 09/14/89 Discusses the Illinois income tax liability of a Pennsylvania general partnership rendering income advisory services to individuals with regard to their security portfolio.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-192 07/27/89 Discusses apportionment of business income of corporations engaged in the leasing of tangible personal property in Illinois.

IT 89-198 08/07/89 In the case of non-military personnel this Department has not determined that a person becomes a nonresident after an absence from Illinois, or an intended absence for an affixed period of time, such as two years or more. All of the



## 1989 THIRD QUARTER SUNSHINE INDEX

facts and circumstance of each particular case must be considered. IIT Reg. §100.3250. Because foreign earned income of a qualified individual would be excluded from adjusted gross income pursuant to IRC §911, such income would effectively be excluded from Illinois income tax. This Department will grant an automatic extension of 6 months to an individual to file his or her income tax return. No application form is required. The Department will approve an extension of more than 6 months if an extension of more than 6 months is granted by the IRS. The taxpayer must attach a copy of the approved federal extension to his or her return when it is filed.

- IT 89-201 08/17/89 Response to questionnaire in regard to corporate state income tax.
- IT 89-202 08/17/89 The IITA §203(a)(2)(E) provides individuals with a deduction for distributions received from federally tax-qualified retirement plans, and because such amounts are not included in Illinois base income they are not subject to Illinois income tax withholding. If the pension/profit sharing plans are not so federally tax-qualified, distributions from the plans are taxable by Illinois and are subject to withholding pursuant to IITA §701(a) and §(701(b).
- IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.
- IT 89-211 08/29/89 Both prior to and subsequent to the Davis v. Michigan decision, the IITA has allowed a subtraction from adjusted gross income of amounts, included in adjusted gross income which are "distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit." IITA §203(a)(2)(E). Because the plans of any governmental agency or unit are included within this provision, there is no violation of intergovernmental tax immunity.
- IT 89-225 09/11/89 As a result of the Tax Reform Act of 1986, beginning in 1987 moving expenses can only be deducted for federal purposes as an itemized deduction on Schedule A. Since there is no longer an adjustment before adjusted gross income (the starting figure for Illinois purposes) for moving expenses on the federal return, no adjustment for moving expenses is allowed on the Illinois individual income tax return.
- IT 89-237 09/25/89 Income tax charts were forwarded.

## 1989 THIRD QUARTER SUNSHINE INDEX

## COLLECTION

- IT 89-203 08/18/89 Explanation of maximum compensation subject to wage deduction orders and procedure required for installment agreement with Department.

## COMBINED UNITARY RETURN

(Also See Unitary)

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

## COMPENSATION

- IT 89-187 07/21/89 Illinois income tax rate for individuals increases 2.5% to 3.0%, effective July 1, 1989. Compensation includes bonuses. There are no changes to payroll income tax withholding formula.
- IT 89-220 09/05/89 Discusses Illinois income taxation of nonresident professional athlete employed by an Illinois professional team.
- IT 89-224 09/11/89 Discusses the residence of military personnel who consider Illinois as their residence, but who are stationed outside Illinois. Also refers to Illinois income tax obligations of such persons.

## COMPOSITE RETURNS

- IT 89-195 07/31/89 S corporations granted permission to file composite income tax returns for its shareholders for years 1983 through 1986 using current Forms IL-1023-C. Advised taxpayer of individual income tax rate and S corporation replacement tax rate for years 1983 through 1986.
- IT 89-206 08/14/89 Discusses the filing of a composite return in a situation involving an S corporation having a grantor trust and nonresidents as shareholders.
- IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

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## DEPARTMENT OF REVENUE

## 1989 THIRD QUARTER SUNSHINE INDEX

## EXEMPT ORGANIZATIONS

IT 89-184 07/19/89 Section 205(a) of the Illinois Income Tax Act (IITA) exempts from Illinois income tax the base income of an organization which is exempt from federal income tax by reason of IRC §501(a). An Illinois income tax is imposed on the unrelated business taxable income as determined under IRC §512. Form IL-990-T is the Income and Replacement Tax Return for exempt organizations.

## EXEMPTIONS

IT 89-188 07/21/89 Public Act 86-18 increased the individual Illinois income tax rate from 2.5% to 3.0%. This new 3.0% individual income tax rate is applicable to net income attributable to the period after June 30, 1989. The 3.0% rate reverts to 2.5% for the period after June 30, 1991. Section 702 of the Illinois Income Tax Act allows a taxpayer a withholding exemption an amount equal to \$1,000 for each \$1,000 eligible for subtraction on his Illinois income tax return as Illinois real estate taxes paid during the taxable year. P.A. 86-18 permits a taxpayer, in calculating base income, to deduct double the amount of real property taxes imposed and paid on the taxpayer's principal residence. A taxpayer who elected to do so, could claim a corresponding withholding exemption increase for the increased deduction for the real property taxes on taxpayer's principal residence.

IT 89-205 08/23/89 Discusses the new income tax rates for individuals and corporations and the additional exemptions for the blind and elderly.

## EXTENSIONS

IT 89-198 08/07/89 In the case of non-military personnel this Department has not determined that a person becomes a nonresident after an absence from Illinois, or an intended absence for a fixed period of time, such as two years or more. All of the facts and circumstances of each particular case must be considered. IIT reg. §100.3250. Because foreign earned income of a qualified individual would be excluded from adjusted gross income pursuant to IIC §911, such income would effectively be excluded from Illinois income tax. This Department will grant an automatic extension of 6 months to an individual to file his or her income tax return. No application form is required. The Department will approve an extension of more than 6 months if an extension of more than 6 months is granted

## DEPARTMENT OF REVENUE

## 1989 THIRD QUARTER SUNSHINE INDEX

by the IRS. The taxpayer must attach a copy of the approved federal extension to his or her return when it is filed.

IT 89-237 09/25/89 Income tax charts were forwarded.

## FOREIGN SALES CORPORATIONS (FSC's)

IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

## FORMS

IT 89-204 08/18/89 Name of executive director of private, non-profit corporation, whose officers change annually, and whose volunteer Board of Directors serve three year terms, could be inserted on Line 18 of Section 1 of Form NUC-1.

## FRINGE BENEFITS - IRC §125 "Cafeteria plans"

IT 89-233 09/19/89 Discusses IITA treatment of third-party sick pay, 401 K plans, cafeteria plans, and employer paid sick pay.

## FRINGE BENEFITS - IRC §401(K) Plans

IT 89-233 09/19/89 Discusses IITA treatment of third-party sick pay, 401 K plans, cafeteria plans, and employer paid sick pay.

## FRINGE BENEFITS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-197 08/03/89 Response to questionnaire pertaining to withholding requirements in regard to sick pay benefits provided through third party payors.

IT 89-225 09/11/89 As a result of the Tax Reform Act of 1986, beginning in 1987 moving expenses can only be deducted for federal purposes as an itemized deduction on Schedule A. Since there is no longer an adjustment before adjusted gross income (the starting figure for Illinois purposes) for moving expenses on the federal return, no adjustment for moving expenses is allowed on the Illinois individual income tax return.

IT 89-233 09/19/89 Discusses IITA treatment of third-party sick pay, 401 K plans, cafeteria plans, and employer paid sick pay.



## 1989 THIRD QUARTER SUNSHINE INDEX

- IT 89-229 09/15/89 Even though a partnership may take a subtraction modification for an amount equal to all amounts of income distributable to an entity subject to the replacement tax, such a subtraction is not available to an S corporation because IITA §203(b)(2) contains no such subtraction modification.
- IT 89-236 09/21/89 Discusses application of IIT Reg. §100.3700(d) to years 1985 and 1986 in regard to partnership joint venturer unitary business income and factors with those of corporate partner or joint venturer.

## PENALTIES - FAILURE TO FILE (IITA §1001)

- IT 89-207 08/25/89 Discusses Illinois income taxation of S corporations and partnerships, including apportionment and allocation of income, net losses and Illinois net loss deduction, composite returns, and penalty for failure to file tax return.

## PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA §804)

- IT 89-200 08/09/89 Explanation of percentage figures that are on Line 8 of Exception 3 worksheet in Part III of 1988 Form IL-2210.
- IT 89-216 08/31/89 Explanation of percentage figures that are on Line 8 of Exception 3 worksheet in Part III of 1988 Form IL-2210.
- IT 89-232 09/19/89 Discusses quarterly estimated tax due when income of an individual is annualized pursuant to IITA §804(d)(4).

## PENALTIES - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

## PENSIONS

(Also See Subtraction Modifications)

- IT 89-177 07/06/89 Questionnaire in regard to Illinois income taxation of pensions.
- IT 89-230 09/18/89 Distributions from IRC §457 State and Local Government Deferred Compensation Plans are not taxable under the Illinois Income Tax Act. IRC §457 deferred compensation plans are government retirement plans and that distribution

## 1989 THIRD QUARTER SUNSHINE INDEX

from such plans will qualify as Illinois income tax subtraction modifications. Letter Ruling IT 89-026. Such distributions are not subject to Illinois income tax withholding.

## PROTEST

- IT 89-242 09/26/89 Explains procedure for protesting and requesting a hearing after denial of claim for refund. IITA does not permit subtraction modification for itemized deductions.

## PUBLIC LAW 86-272/NEXUS

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.
- IT 89-192 07/27/89 Discusses apportionment of business income of corporations engaged in the leasing of tangible personal property in Illinois.
- IT 89-199 08/07/89 Correction to nexus questionnaire. Neither qualification to do business in Illinois nor a drop shipment, without further activity in this state, would create nexus in Illinois.
- IT 89-221 09/05/89 Discusses whether or not Illinois residents employed by an out-of-state corporation qualify as "independent contractors."
- IT 89-227 09/13/89 Corporation which exceeds the "mere solicitation" standard of P.L. 86-272 loses immunity from income taxation.
- IT 89-243 09/28/89 The leasing of cars solely for the use of sales representatives in soliciting business does not create nexus but activity beyond mere solicitation of orders subjects out-of-state corporation to Illinois income tax.

## RATE OF TAX

- IT 89-187 07/21/89 Illinois income tax rate for individuals increases from 2.5% to 3.0%, effective July 1, 1989. Compensation includes bonuses. There are no changes to payroll income tax withholding formula.
- IT 89-188 07/21/89 Public Act 86-18 increased the individual Illinois income tax rate from 2.5% to 3.0%. This new 3.0% individual income tax rate is applicable to net income attributable to the period after June 30, 1989. The 3.0% rate net income

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## DEPARTMENT OF REVENUE

## 1989 THIRD QUARTER SUNSHINE INDEX

## RETURNS - REQUIREMENTS TO FILE

(For Combined Unitary Return and Composite Return Rulings, see Those Headings)

- IT 89-175 07/06/89 Discusses filing requirements of partnership and partners who are nonresidents of Illinois.
- IT 89-208 08/28/89 Discusses nexus and Illinois income taxation of foreign corporation which performs certain services pursuant to a consulting or sublicense agreement.
- IT 89-212 08/29/89 The Missouri corporation fabricates steel products which it sells in Illinois to a general contractor. Because the income-producing activity (fabrication) is done entirely in the State of Missouri, the income-producing activity, based on costs of performance, is attributed to Missouri, and not to Illinois by the requirements of IITA §304(a)(3)(3). This Missouri corporation would not have an Illinois sales factor. Because this corporation has no property, payroll, or sales factor, it would have no business income required to be apportioned to Illinois. It would have no business income subject to Illinois income tax. Section 502(a)(2) of the IITA requires that a corporation is required to file an Illinois income tax return if it is qualified to do business in Illinois and is required to file a federal income tax return. The Illinois income tax return will report zero business income apportionable to Illinois at line 8, Part III of IL-1120.

## RETURNS - OTHER RULINGS (NOT INCLUDED ABOVE)

(For Combined Unitary Return and Composite Return Rulings, See Those Headings)

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporation.

## S CORPORATIONS

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.
- IT 89-185 07/19/89 Discusses Illinois income taxation of part-year residents as partners, beneficiaries of trust, and as shareholders of S corporation. Explains Illinois income tax treatment of recovery of bad debts.

## DEPARTMENT OF REVENUE

## 1989 THIRD QUARTER SUNSHINE INDEX

- IT 89-229 09/15/89 Even though a partnership may take a subtraction modification for an amount equal to all amounts of income distributable to an entity subject to the replacement tax, such a subtraction is not available to an S corporation because IITA §203(b)(2) contains no such subtraction modification.
- IT 89-237 09/25/89 Income tax charts were forwarded.

## SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

- IT 89-218 09/05/89 Discusses applicability of IITA §902(d) with respect to collateral subject to a foreclosure agreement between debtor and creditor.

## SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

- IT 89-177 07/06/89 Questionnaire in regard to Illinois income taxation of pensions.
- IT 89-202 08/17/89 The IITA §203(a)(2)(E) provides individuals with a deduction for distributions received from federally tax-qualified retirement plans, and because such amounts are not included in Illinois base income they are not subject to Illinois income tax withholding. If the pension/profit sharing plans are not so federally tax-qualified, distributions from the plans are taxable by Illinois and are subject to withholding pursuant to IITA §701(a) and §701(b).
- IT 89-211 08/29/89 Both prior to and subsequent to the Davis v. Michigan decision, the IITA has allowed a subtraction from adjusted gross income of amounts, included in adjusted gross income which are "distributions under provisions of any retirement or disability plan for employees of any governmental agency or unit." IITA §203(a)(2)(E). Because the plans of any governmental agency or unit are included within this provision, there is no violation of intergovernmental tax immunity.
- IT 89-214 08/29/89 Annuity payments under the Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan qualify for the Illinois subtraction modification for distributions from government retirement plans.
- IT 89-215 08/29/89 IITA §203(a)(2)(E) provides a subtraction modification from adjusted gross income for distributions received from any retirement or disability plan for employees of any governmental agency if the distributions were included in the

computation of federal adjusted gross income. Therefore military disability retired pay is not subject to Illinois income taxation.

09/06/89 IITA §203(a)(2)(E) provides individuals with a deduction for distributions received from federally tax-qualified retirement plans. Since such amounts are not included in Illinois base income, they are not subject to Illinois income tax withholding and reporting of such payments is not required.

09/18/89 Distributions from IRC §457 State and Local Government Deferred Compensation Plans are not taxable under the Illinois Income Tax Act. IRC §457 deferred compensation plans are government retirement plans and that distribution from such plans will qualify as Illinois income tax subtraction modifications. Letter Ruling IT 89-026. Such distributions are not subject to Illinois income tax withholding.

SUBTRACTION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

08/29/89 Certain Illinois Housing Development bonds and notes are exempt from taxation pursuant to Ch. 67 1/2, §131 of the Illinois Revised Statutes. May contact the Illinois Housing Development Authority to ascertain if the bond is exempt from Illinois income taxation. If the income from the bond is not included in federal adjusted gross income, the income should be added back on your Illinois income tax return. If it is determined that it is exempt from Illinois income tax, the income may then be subtracted on the appropriate line of the Illinois income tax return.

09/15/89 Even though a partnership may take a subtraction modification for an amount equal to all amounts of income distributable to an entity subject to the replacement tax, such a subtraction is not available to an S corporation because IITA §203(b)(2) contains no such subtraction modification for itemized deductions.

09/26/89 Explains procedure for protesting and requesting a hearing after denial of claim for refund. IITA does not permit subtraction modification for itemized deductions.

TRANSPERREES

(Also See Sales Outside the Ordinary Course of Business (Bulk Sales))  
08/29/89 The Department is of the opinion that IITA §1405 gives it the right to recover unpaid Illinois income tax,

interest, and penalty owed by a decedent, from heirs who receive probate assets without discharging the debts of a decedent.

TRUSTS

07/19/89 Discusses Illinois income taxation of part-year residents as partners, beneficiaries of trust, and as shareholders of S corporation. Explains Illinois income tax treatment of recovery of bad debts.

08/14/89 Discusses the filing of a composite return in a situation involving an S corporation having a grantor trust and nonresidents as shareholders.

UNITARY

(Also See Combined Unitary Return)

07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.

09/21/89 Discusses application of IIT Reg. §100.3700(d) to years 1985 and 1986 in regard to partnership joint venturer unitary business income and factors with those of corporate partner or joint venturer.

VOLUNTARY DISCLOSURE AGREEMENTS

09/26/89 A voluntary disclosure is a notification to the Department by a taxpayer or his representative prior to opening of audit or investigation that taxpayer failed to file or filed an erroneous return.

WITHHOLDING - EMPLOYEE BENEFITS

07/17/89 Explanation of Department responses to certain questions in special compensation questionnaire in regard to Illinois income tax withholding.

08/03/89 Response to questionnaire pertaining to withholding requirements in regard to sick pay benefits provided through third party payors.



## 1989 THIRD QUARTER SUNSHINE INDEX

- IT 89-202 08/17/89 The IITA §203(a)(2)(E) provides individuals with a deduction for distributions received from federally tax-qualified retirement plans, and because such amounts are not included in Illinois base income they are not subject to Illinois income tax withholding. If the pension/profit sharing plans are not so federally tax-qualified, distributions from the plans are taxable by Illinois and are subject to withholding pursuant to IITA §701(a) and §701(b).
- IT 89-230 09/18/89 Distributions from IRC §457 State and Local Government Deferred Compensation Plans are not taxable under the Illinois Income Tax Act. IRC §457 deferred compensation plans are government retirement plans and that distribution from such plans will qualify as Illinois income tax subtraction modifications. Letter Ruling IT 89-026. Such distributions are not subject to Illinois income tax withholding.
- IT 89-233 09/19/89 Discusses IITA treatment of third-party sick pay, 401 K plans, cafeteria plans, and employer paid sick pay.

## WITHHOLDING - PERSONAL SERVICE CONTRACTS (IITA §708)

- IT 89-189 07/21/89 Explains Illinois income tax withholding requirements. Discusses distinction between employees and independent contractors, and information reports for payments under personal service contracts.

## WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT 89-174 07/06/89 State Business Taxation Questionnaire concerning manufacturing corporations.
- IT 89-176 07/06/89 Questionnaire regarding Illinois income tax withholding.
- IT 89-182 07/14/89 Illinois does not require the filing of Forms 5498, 1099R or SSA W-2P for reporting purposes. Additionally, state income tax withholding is not required on IRA distributions.
- IT 89-187 07/21/89 Illinois income tax rate for individuals increases from 2.5% to 3.0%, effective July 1, 1989. Compensation includes bonuses. There are no changes to payroll income tax withholding formula.
- IT 89-188 07/21/89 Public Act 86-18 increased the individual Illinois income tax rate from 2.5% to 3.0%. This new 3.0% individual income tax rate is applicable to net income attributable to

## 1989 THIRD QUARTER SUNSHINE INDEX

- the period after June 30, 1989. The 3.0% rate reverts to 2/5% for the period after June 30, 1991. Section 702 of the Illinois Income Tax Act allows a taxpayer a withholding exemption an amount equal to \$1,000 for each \$1,000 eligible for subtraction on his Illinois income tax return as Illinois real estate taxes paid during the taxable year. P.A. 86-18 permits a taxpayer, in calculating base income, to deduct double the amount of real property taxes imposed and paid on the taxpayer's principal residence. A taxpayer who elected to do so, could claim a corresponding withholding exemption increase for the increased deduction for the real property taxes on taxpayer's principal residence.
- IT 89-189 07/21/89 Explains Illinois income tax withholding requirements. Discusses distinction between employees and independent contractors, and information reports for payments under personal service contracts.
- IT 89-190 07/24/89 The payroll withholding agent designated under IRC 3504 should serve in that same capacity for Illinois withholding purposes. Every employer deducting withholding taxes must register with the Department by filing Form IL-NUC-1. The agent designated under IRC §504 should attach to its quarterly Illinois withholding tax return (IL-941) a copy of each federal Form 2678 which has been filed with the Internal Revenue Service to establish the agency. The designation of an agent will not relieve the employer of any liability with regard to withholding.
- IT 89-223 09/06/89 IITA §203(a)(2)(E) provides individuals with a deduction for distributions received from federally tax-qualified retirement plans. Since such amounts are not included in Illinois base income, they are not subject to Illinois income tax withholding and reporting of such payments is not required.
- IT 89-237 09/25/89 Income tax charts were forwarded.

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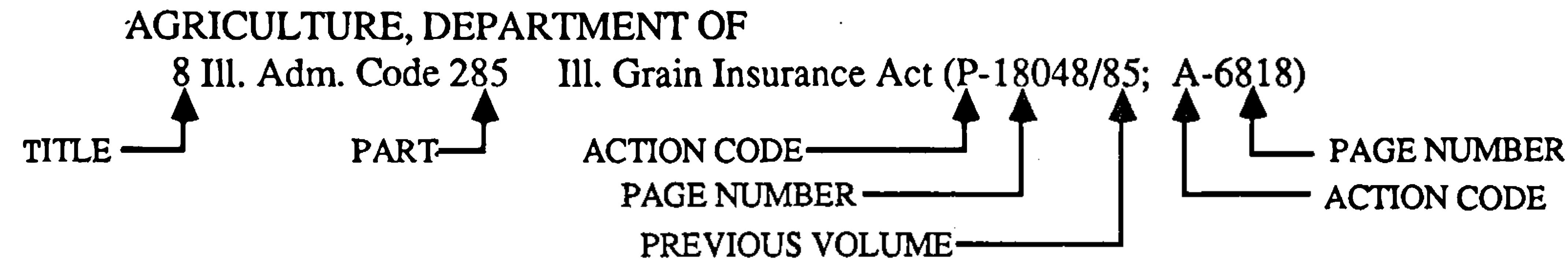


**ACTION CODES**

JCAR - Joint Committee on Administrative Rules

- |   |   |
|---|---|
| <i>A</i> - Adopted Rule                         | <i>P</i> - Proposed Rule                      |
| <i>AR</i> - Adopted Repealer                    | <i>PF</i> - Prohibited Filing Ordered by JCAR |
| <i>C</i> - Notice of Corrections                | <i>PP</i> - Peremptory or Court ordered Rules |
| <i>CC</i> - Codification Changes                | <i>PR</i> - Proposed Repealer                 |
| <i>E</i> - Emergency Rule                       | <i>R</i> - Refusal to meet JCAR objection     |
| <i>ER</i> - Emergency Repealer                  | <i>RC</i> - Statement of Recommendation       |
| <i>M</i> - Modification to meet JCAR objections | <i>S</i> - Suspension ordered by JCAR         |
| <i>O</i> - JCAR Statement of Objections         | <i>W</i> - Withdrawal to meet JCAR objections |

**EXAMPLE:**



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

**AGRICULTURE, DEPARTMENT OF**

2 Ill. Adm. Code 700    Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

80 Ill. Adm. Code 310    Pay Plan (P-427) (P-15141/89; A-615)

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

89 Ill. Adm. Code 410    Licensing Standards for Youth Emergency Shelters (P-439) (E-999)  
89 Ill. Adm. Code 302    Services Delivered by the Dept. (P-1)

**COMMERCE COMMISSION, ILLINOIS**

83 Ill. Adm. Code 900    Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)  
83 Ill. Adm. Code 445    Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)

**COMMUNITY COLLEGE BOARD, ILLINOIS**

23 Ill. Adm. Code 1501    Administration of the Public Community College Act (P-14) (E-299)

**COMPTROLLER**

2 Ill. Adm. Code 625    Access to Information (A-186)

**CONSERVATION, DEPARTMENT OF**

17 Ill. Adm. Code 590    Duck, Goose & Coot Hunting (P-15509/89; A-638)

**CONSERVATION, DEPARTMENT OF (CONT'D)**

17 Ill. Adm. Code 3040    Ill. Bicycle Path Grant Program (P-442)  
17 Ill. Adm. Code 1050    Ill. List of Endangered & Threatened Flora (P-455)  
17 Ill. Adm. Code 3030    Land & Water Conservation Fund Grant Program (P-478)  
17 Ill. Adm. Code 810    Sport Fishing Regs. for the Waters of Ill. (P-491)  
17 Ill. Adm. Code 710    Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

**EMPLOYMENT SECURITY, DEPARTMENT OF**

56 Ill. Adm. Code 2732    Employment (P-12748/89; O-20398/89; R-1049; A-673)

**ENERGY AND NATURAL RESOURCES, DEPARTMENT OF**

83 Ill. Adm. Code 1000    Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12756/89; AR-681)

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

50 Ill. Adm. Code 8100    Title Insurance Act (P-16; C-1051) (E-305)

**FIRE MARSHAL, OFFICE OF THE STATE**

41 Ill. Adm. Code 170    Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-63)

**HOUSING DEVELOPMENT AUTHORITY, ILLINOIS**

47 Ill. Adm. Code 310    Multifamily Rental Housing Mortgage Loan Program (P-13371/89; A-683)

**LABOR, DEPARTMENT OF**

56 Ill. Adm. Code 100    Prevailing Wage Hearing Procedures (P-536) (E-1026)

**POLLUTION CONTROL BOARD**

35 Ill. Adm. Code 604    Finished Water & Raw Water (P-255/89; A-689)  
35 Ill. Adm. Code 720    Hazardous Waste Management System: General (P-72)  
35 Ill. Adm. Code 728    Land Disposal Restrictions (P-79)  
35 Ill. Adm. Code 702    RCRA & UIC Permit Programs (P-120)  
35 Ill. Adm. Code 703    RCRA Permit Program (P-125)  
35 Ill. Adm. Code 605    Sampling & Monitoring (P-269/89; A-695)  
35 Ill. Adm. Code 731    Underground Storage Tanks (P-153)

**PROFESSIONAL REGULATION, DEPARTMENT OF**

68 Ill. Adm. Code 1360    Podiatric Medical Practice Act of 1987 (P-14004/89; A-701)

**PUBLIC AID, DEPARTMENT OF**

89 Ill. Adm. Code 112    Aid to Families with Dependent Children (P-538) (P-14741/89; A-705)  
89 Ill. Adm. Code 113    Aid to the Aged, Blind or Disabled (P-163) (P-14263/89; A-720)  
89 Ill. Adm. Code 121    Food Stamps (P-548) (P-13503/89; A-729) (P-14756/89; A-729)  
89 Ill. Adm. Code 114    General Assistance (P-14764/89; A-746)  
89 Ill. Adm. Code 120    Medical Assistance Programs (P-558) (P-14778/89; A-760)  
89 Ill. Adm. Code 140    Medical Payment (P-11157/89; A-190)  
89 Ill. Adm. Code 115    Refugee/Entrant/Repatriate Program (P-14790/89; A-773)  
89 Ill. Adm. Code 147    Reimbursement for Nursing Costs for Geriatric Facilities (P-10763/89; A-210)  
89 Ill. Adm. Code 117    Related Program Provisions (P-14008/89; A-780)

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77 Ill. Adm. Code 855    Asbestos Abatement for Public & Private Schools in Ill. (P-172) (E-335)  
77 Ill. Adm. Code 820    Ill. Swimming Pool & Bathing Beach Code (P-12395/89; A-786)  
77 Ill. Adm. Code 920    Ill. Water Well Construction Code (P-15338/89; A-228)  
77 Ill. Adm. Code 615    Local Health Depts. Program Standards Code (P-10137/89; A-805)  
77 Ill. Adm. Code 600    Minimum Qualifications for Personnel Employed by Local Health Depts. Code (P-10035/89; A-840)